

ing the lands, buildings, improvements, equipment and appurtenances thereunto belonging; regulating the price at which same shall be sold; providing the proper portion of the funds realized from such sale shall be placed in the State Treasury and making proper disposition of the remainder; authorizing the proper instrument of conveyance to be executed, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

#### TWENTY-SEVENTH DAY.

(Monday, February 16, 1925.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Satterwhite.

The roll was called and the following members were present:

Acker.	Enderby.
Albritton.	Farrar.
Alexander	Faulk.
of Bastrop.	Fields.
Alexander	Finlay.
of Limestone.	Florence.
Amsler.	Foster.
Atkinson.	Frnka.
Avis.	Graves.
Baker of Orange.	Gray.
Baker of Panola.	Hall.
Barker.	Harman.
Barron.	Harper.
Bateman.	High.
Bean.	Hollowell.
Bedford.	Hoskins.
Bird.	Hull.
Blount.	Jacks.
Boggs.	Jasper.
Brown.	Johnson.
Bryant.	Jordan.
Carter.	Justice.
Coffey.	Kemble.
Conway.	Kinnear.
Coody.	Kittrell.
Covey.	Laird.
Cox of Lamar.	Lane of Hamilton.
Cox of Navarro.	Lipscomb.
Cummings.	Loftin.
Dale.	Low.
Daniels.	Masterson.
Davis of Dallas.	Maxwell.
Davis of Wood.	McBride.
DeBerry.	McDonald.
Dielmann.	McDougald.
Dinkle.	McFarlane.
Donnell.	McGill.
Downs.	McKean.
Dunlap.	McNatt.
Dunn of Falls.	Merritt.
Dunn of Hopkins.	Moore.
Durham.	Nicholson.

Parish.	Smyth.
Pavlica.	Sparks.
Pearce.	Stautzenberger.
Perdue.	Stell.
Poage.	Stevens.
Pool.	Storey.
Pope.	Stout.
Powell.	Strong.
Rawlins.	Taylor.
Raymer.	Teer.
Renfro.	Thompson.
Rice.	Tomme.
Robinson.	Veatch.
Rogers.	Wade.
Rowland.	Walker.
Runge.	Wallace.
Sanford.	Webb.
Shearer.	Wells.
Sheats.	Westbrook.
Simmons.	Wester.
Simpson.	Williamson.
Sinks.	Wilson.
Smith of Nueces.	Woodruff.
Smith of Travis.	Young.

Absent.

Bobbitt.	Kayton.
Houston.	

Absent—Excused.

Bartlett.	King.
Bonham.	Lane of Harrison.
Cade.	Mankin.
Chitwood.	Montgomery.
Hagaman.	Petsch.
Irwin.	Purl.
Jones.	Rowell.
Kenyon.	Stevenson.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

#### LEAVES OF ABSENCE GRANTED.

The following members were granted leave of absence on account of important business:

Mr. Lane of Harrison for today, on motion of Mr. Jacks.

Mr. Cade for today, on motion of Mr. Rowland.

Mr. Hagaman for today, on motion of Mr. Sparks.

Mr. Albritton for today, on motion of Mr. Webb.

Mr. Bonham for today, on motion of Mr. High.

Mr. Montgomery for today, on motion of Mr. Wells.

Mr. Petsch for today and tomorrow, on motion of Mr. Runge.

Mr. Kenyon for today and tomorrow, on motion of Mr. Shearer.

Mr. Dielmann for today and tomorrow, on motion of Mr. Sinks.

Mr. Bartlett for today and tomorrow, on motion of Mr. Poage.

Mr. Jones for today, on motion Mr. McDougald.

Mr. Purl for today, on motion of Mr. Robinson.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Webb, Mr. Faulk and Mr. Merritt:

H. B. No. 457, A bill to be entitled "An Act to provide that owners of public free school land heretofore purchased from the State of Texas, which land may hereafter be forfeited for non-payment of interest as now provided by law, provided said forfeiture was caused by reason of interest accrued or accruing prior to the taking effect of this act, shall have the right to repurchase said lands or any part thereof at the reappraised value thereof under the law now governing such sales and leaving a lien and valid contractual right existing in and to the land so repurchased unimpaired, and providing for a revaluation of such land by the Commissioner of the General Land Office as may be desired to be repurchased under this act, and declaring an emergency."

Referred to Committee on Public Lands and Buildings.

By Mr. Blount:

H. B. No. 458, A bill to be entitled "An Act making appropriations for the support and maintenance of the State government for the two-year period beginning September 1, 1925, and ending August 31, 1927, and for other purposes, and prescribing certain regulations and instructions thereto, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Loftin:

H. B. No. 459, A bill to be entitled "An Act to amend an act of the Second Called Session of the Thirty-eighth Legislature entitled 'Creating the West-over Independent School District,' Chapter 13, defining the boundaries of said district; giving the trustees thereof power to increase its areas; providing for the assumption of pro rata indebtedness of annexed territory, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Purl (by request):

H. B. No. 460, A bill to be entitled "An Act to amend Section 2, Chapter 149, of the Acts of the Thirty-fourth Legislature by striking out the words '\$100' and substituting therefor '\$300,' and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Rawlins and Mr. Rowland:

H. B. No. 461, A bill to be entitled "An Act to provide that money paid political committees shall not be counted in the amount limited for campaign expenses, and to repeal all laws in conflict herewith."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Amsler:

H. B. No. 462, A bill to be entitled "An Act to levy and collect annually a three-dollar road tax against all able-bodied male citizens of Waller county, who are between the ages of 21 and 45 years; providing the manner of assessment and collection of said tax and further providing for a penalty for failure or refusal to pay such tax, repealing all laws in conflict therewith, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Sparks:

H. B. No. 463, A bill to be entitled "An Act to amend Section 1 and Section 3, of Chapter 78, General Laws, Thirty-fifth Legislature, known as the 'Interchangeable Jury Law,' to regulate the selection, organization and custody of juries in all cases except capital and lunacy cases in counties where there are now three or more, or may hereafter be established three or more, district courts, and in counties in which there are two district courts and one county court-at-law, and to repeal all laws in conflict herewith."

Referred to Judiciary Committee.

By Mr. Walker:

H. B. No. 464, A bill to be entitled "An Act to fix the compensation of county commissioners in counties of judicial districts comprised of two counties on January 1, 1925, having a total population within said districts of not less than thirty-five thousand nor more than forty-one thousand inhabitants accord-

ing to the last United States census, and which have an aggregate area of not less than 1890 square miles, according to the records of the General Land Office of Texas, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Wester:

H. B. No. 465, A bill to be entitled "An Act creating and incorporating the Hunter Independent School District in Terry county, Texas, out of territory now composing the Hunter Common School District No. 12, in said county as heretofore created; defining its boundaries; providing for a board of trustees thereof, and defining their powers and authority; authorizing said board of trustees to levy, assess and collect taxes for maintenance and building purposes and to issue bonds therefor; providing for a board of equalization for said district; providing that all outstanding obligations and indebtedness of said Common School District No. 12 in Terry county shall be assumed by and become binding obligations of said Hunter Independent School District; providing for the validation of all such obligations and indebtedness; continuing in force the certain maintenance tax heretofore voted in said Common School District No. 12; providing that title to all public free school property within said territory shall be vested in said Hunter Independent School District; providing for the election and terms of office of trustees of said Hunter Independent School District, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Petsch, Mr. Baker of Orange, Mr. Sanford and Mr. Daniels:

H. B. No. 466, A bill to be entitled "An Act amending Articles 1255, 1255a, Penal Code, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Petsch:

H. B. No. 467, A bill to be entitled "An Act providing that in all cases where any bond is now or may hereafter be required to be given or executed by the State Treasurer, or any of his clerks or deputies, or by any county or city depository, or by any State, county or city tax collector or by their clerks or deputies, or any other employe of the

State, or any county or city therein, that said bond shall be conditioned as now provided by law and shall be executed by some surety or bonding company authorized to do business in this State, and that the cost of such bond shall be paid by the State, county or city, of which such officer is an employe, and in addition to the salary of such officer; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. McGill (by request):

H. B. No. 468, A bill to be entitled "An Act to amend Section 7, Part 1, of Chapter 103, of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fifth Legislature, as amended by Section A, of Chapter 177, of the General Laws of the State of Texas passed at the Regular Session of the Thirty-eighth Legislature, so as to abolish the limitation of four weeks as the period of time which the insurance association operating under said act shall furnish medical aid, hospital services, supplies and medicine to an injured employe, and to require such association to furnish such medical aid and services after the period of four weeks from the time of the accident has expired, if necessary, regardless of whether injuries incurred are sufficient to require the employe to be placed in a hospital or not."

Referred to Committee on Insurance.

By Mr. Jacks:

H. B. No. 469, A bill to be entitled "An Act amending Article 1903 of the Revised Statutes of the State of Texas of 1911, Title 37, Chapter 8, as amended by Section 1, Chapter 176, page 388 of the General Laws of the State of Texas passed by the Thirty-fifth Legislature at its Regular Session, relating to pleas of privilege, the sufficiency thereof and the procedure thereon, so as to provide a definite length of time in which to file controverting affidavits and providing that an appeal shall in all events suspend trial on the merits pending the appeal; adding to said Title 37, Chapter 8, Articles 1903a, providing for the time for filing transcript and statement of facts on appeal in such cases; and Article 1903b, relating to briefs on such appeals; and Article 1903c, providing for advancement of the hearing on such appeals in the Court of Civil Appeals; and providing that the act shall only

apply to cases filed subsequent to time it becomes effective; and repealing all laws in conflict with this act, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Boggs:

H. B. No. 470, A bill to be entitled "An Act to create the Reagan County Independent School District in Reagan county, Texas; providing a board of trustees therefor; vesting said independent school district board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts organized under the general laws of Texas; providing for a board of trustees for the said district to serve until the time for the next election of school trustees in independent school districts as provided by general laws; authorizing the said Reagan County Independent School District to hold an election to determine whether or not the said district shall assume and make provision for the payment of the outstanding indebtedness of the territory incorporated herein; validating and continuing in force current contracts and tax levies of districts included in the Reagan County Independent District for the present scholastic year, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Boggs:

H. B. No. 471, A bill to be entitled "An Act to amend Article 2815 of Chapter 15, Title 48 of the Revised Civil Statutes of 1911, as amended by Acts of the Thirty-third Legislature, Regular Session, Chapter 129, relating to common school districts, removing the restriction that no district shall be so arranged or surveyed or organized that the geographical center of the same shall be more than four miles from its farthest line in counties of less than ten thousand population, and declaring an emergency."

Referred to Committee on Education.

By Mr. Boggs:

H. B. No. 472, A bill to be entitled "An Act to amend Title 48, Chapter 16, Article 2851, R. S. 1911, pertaining to the organization of independent school districts; omitting the requirement for the inclusion of a town or village containing two hundred inhabitants or more; removing the restriction of area of said independent school districts; making all laws governing towns and villages with respect to school corporations apply to such districts; repealing

all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Loftin:

H. B. No. 473, A bill to be entitled "An Act to amend an Act of the Second Called Session of the Thirty-eighth Legislature, Chapter 29, entitled 'Enlarging the Megargel Independent School District; an act defining the boundaries of the Megargel County Line Independent School District; providing for the transportation of pupils; for assessing and collecting taxes; authorizing the trustees to sue for the collection of delinquent taxes; providing that said district assume payment of that pro rata part of indebtedness due by the district on account of territory out of said district by this act; providing that any part of this act being declared invalid shall not affect other parts; giving the trustees the right to increase the area of said district,' and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Pool:

H. B. No. 474, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, Revised Civil Statutes of Texas, 1911, as amended by Chapter 72, General Laws of the Thirty-third Legislature, and Chapters 26 and 99, General Laws of the Thirty-fourth Legislature, and Chapter 131, General Laws of the Thirty-fifth Legislature, and Chapter 10 of the General Laws of the Second Called Session of the Thirty-fifth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named, so as to include Hudspeth county, Texas, and declaring an emergency."

Referred to Committee on Live Stock and Stock Raising.

By Mr. Maxwell (by request):

H. B. No. 475, A bill to be entitled "An Act to reorganize the Thirty-ninth Judicial District of Texas so as to omit therefrom the county of Throckmorton; fixing the terms of the holding of the district court in each of the counties in said Thirty-ninth Judicial District of Texas; placing the county of Throckmorton in the Ninety-second Judicial District of Texas; fixing the time for holding of court by the district court of the Ninety-second Judicial District of Texas in the coun-

ties of said district; transferring from the docket of the district court of Throckmorton county, Thirty-ninth Judicial District, all causes, motions and other matters to the docket of the district court in said county, Ninety-second Judicial District of Texas as created by Chapter 76 of the General Laws of the Thirty-eighth Legislature, passed at its Regular Session, and providing for the continuation in office of the judge of said district and prescribing the duties of other officers of said Ninety-second Judicial District in Throckmorton county; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Farrar and others:

H. B. No. 476, A bill to be entitled "An Act to amend Sections 1, 2, 3, 4 and 5 of Chapter 41, General Laws passed at the Regular Session of the Thirty-seventh Legislature, so as to more clearly provide for the creation of the road districts therein authorized, and for the consolidation of road districts, and for the exclusion from road districts, if desired, of territory covered under Section 52, Article III of the Constitution; providing a method of procedure in the creation of such districts, and validating districts heretofore created under the act hereby amended and all bonds voted by such districts, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Williams and Mr. Dielmann:

H. B. No. 477, A bill to be entitled "An Act to empower cities having more than five thousand (5000) inhabitants to purchase or otherwise acquire light systems and water systems, and additions, extensions and enlargements thereto, and additional water powers, riparian rights, and repairs of such systems; to issue bonds or notes therefor, and to secure payment thereof to mortgage and encumber the same and the incomes thereof, and everything pertaining thereto, or any part thereof; and to grant to any purchaser under any sale of foreclosure a franchise to operate the same for not over twenty years after such purchase; prescribing the powers and limiting the manner of their exercise; providing for a board of trustees to carry out any contract or encumbrance; providing for the election of a trustee and his successor to make sale on default in payment; prescribing the method of foreclosure, and giving such cities the option

to include or exclude any of such property from such encumbrance; prohibiting the sale of such systems unless authorized by majority vote of the qualified property taxpayers, or under the terms of such encumbrances; and prohibiting the encumbrance of such systems except for purchase money, original cost, or to refund existing indebtedness, unless authorized in like manner; approving all proceedings heretofore had in the acquisition of any such systems, and the encumbrance of same within the authority given by this act, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Tomme, Mr. McDougald, Mr. McFarlane, Mr. Cummings, Mr. Fields, Mr. Dielmann and Mr. Hollowell:

H. B. No. 478, A bill to be entitled "An Act making it unlawful for any student to pledge or to belong to any Greek letter fraternity and sorority, secret orders, secret chapters, or secret clubs in any educational institution supported in whole or in part by the State of Texas."

Referred to Committee on Education.

#### SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 74, to the Committee on Highways and Motor Traffic.

Senate bill No. 94, to the Committee on Municipal and Private Corporations.

Senate bill No. 150, to the Committee on Criminal Jurisprudence.

Senate bill No. 208, to the Judiciary Committee.

#### BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 131, "An Act to create the Liberty Independent School District in Bailey county, Texas, out of territory now comprising Common School District No. 3 of Bailey county, as heretofore created by the county board of trustees thereof; vesting said independent school district and board of trustees with all the rights and powers and privileges, and duties conferred upon independent school district incorporated under the general laws of Texas; providing that the said Liberty Independent School District

shall assume and discharge any and all indebtedness constituting valid and binding obligations of said Common School District No. 3 of Bailey county; providing that title to any and all property of said common school district shall be vested in the trustees of independent school district hereby created; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected and qualified in accordance with the general laws of Texas, and declaring an emergency."

H. B. No. 23, "An Act regulating the lights and lighting and operation of motor vehicles, tractors, trailers, semi-trailers, motorcycles and bicycles in this State; prescribing the lights for such vehicles between the hours of half-hour after sunset and half-hour before sunrise; enacting the necessary penal provisions as to lights for such vehicles and headlight devices and headlight equipment for such vehicles; providing for tests and approval of headlighting devices and equipment; prescribing penalties for the violation of the provisions of this act, and declaring an emergency."

H. B. No. 214, "An Act creating and incorporating Center Independent School District No. 5 in Hockley county, Texas; defining the boundaries thereof; providing for a board of trustees, their election, terms of office, qualifications, powers, duties and authority; authorizing said board to levy, assess and collect taxes for maintenance and building purposes and issue bonds; providing for an assessor and collector of taxes and for a board of equalization; providing that the Center Independent School District shall assume and discharge any and all valid outstanding obligations and indebtedness of Ropes Independent School District No. 1 in Hockley county, Texas; validating and continuing in force all taxes heretofore voted and now in force in said Ropes Independent School District No. 1; providing that all property now vested in Ropes Independent School District No. 1, with its metes and bounds of Center Independent School District No. 5 as herein created; providing for filling vacancies in the board of trustees; providing for a seal for said district; providing that the board of trustees of said district shall in all things be governed by the general laws of Texas relating to independent school districts in matters where this act is silent; re-

pealing all laws in conflict herewith; providing that invalidation by the courts of any provision of this act shall not invalidate any remaining parts or provision, and declaring an emergency."

H. B. No. 157, "An Act to repeal Chapter 95, Special Laws Thirty-eighth Legislature, entitled 'An Act to provide an efficient system of road maintenance in Upshur county,' and declaring an emergency."

H. B. No. 159, "An Act adding to and making a part of the Birome Independent School District of Hill county, Texas, certain lands and territory contiguous thereto; conferring upon the board of trustees of the said Birome district the authority and jurisdiction over such lands and territory and the inhabitants thereof as are prescribed in Chapter 22, Special Laws of Texas, passed by the Thirty-third Legislature, Regular Session, creating the Birome Independent District, and declaring an emergency."

H. B. No. 181, "An Act to amend Section 2, Chapter 99 of the Local and Special Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to change the boundaries of the Wichita Falls Independent School District in Wichita county, Texas,' and declaring an emergency."

H. B. No. 165, "An Act creating and incorporating Dixie Independent School District in Lynn county, Texas, out of territory now comprising Common School District No. 18 of Lynn county, as heretofore created by the county board of school trustees of said county; defining boundary thereof; providing for a board of trustees, their election, terms of office, qualification, powers, duties and authority; authorizing the board of trustees to levy, assess and collect taxes for maintenance and building purposes, and to issue bonds; providing for an assessor and collector of taxes and a board of equalization; providing that said Dixie Independent School District shall assume and discharge any and all indebtedness constituting valid and binding obligations of said Common School District No. 18 of Lynn county; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that title to any and all property of said common school district shall vest in the trustees of independent school district hereby created; providing for filling vacancies on the board of trustees; providing for a seal for said district; providing that the board of trustees

shall be governed by the general laws of Texas in all matters where this act is silent; repealing all laws in conflict herewith; providing that invalidation by the courts of any section or provision of this act shall not invalidate any remaining provisions hereof, and declaring an emergency."

H. B. No. 196, "An Act to amend House bill No. 170, Chapter 22 of the Local and Special Laws passed by the Thirty-eighth Legislature, wherein the Higgins Independent School District was created containing certain land and premises situated in Lipscomb county, Texas; providing that the trustees of of the district continue in office and that the trustees be seven in number; that the maintenance tax and bonds hereafter voted are hereby validated and shall remain in full force and effect; conferring upon said district and its officers all rights, powers, privileges and duties now conferred and imposed by the general laws of the State upon independent school districts, and declaring an emergency."

H. B. No. 209, "An Act to create the Letts Common School District No. 10 in Hall county, Texas; including therein territory included in the present Bridle Bits Common School District and Wolf Flat Common School District in Hall county, Texas; providing board of trustees therefor; vesting said common school district board of trustees with all the rights, powers, privileges and duties conferred upon common school districts organized under the general laws of Texas; providing for a board of trustees for said district to serve until the time for the next election of school trustees in common school districts as provided by the general law; authorizing the said Letts Common School District to hold an election to determine whether or not the said district shall assume and make provision for the payment of the outstanding bonded indebtedness of the territory incorporated herein, and declaring an emergency."

#### BILL ORDERED PRINTED.

Mr. Pope moved that House bill No. 322, reported adversely with a minority favorable report, be printed.

Mr. McFarlane moved to table the motion to print.

Yeas and nays were demanded and the motion to table was lost by the following vote:

Yeas—39.

Alexander  
of Bastrop.

Amsler.  
Atkinson.

Avis.	McBride.
Barker.	McDonald.
Bean.	McFarlane.
Bryant.	McKean.
Coffey.	Moore.
Coody.	Parish.
Cox of Lamar.	Pearce.
Dale.	Powell.
Enderby.	Renfro.
Gray.	Rice.
Harman.	Simmons.
Hollowell.	Simpson.
Hoskins.	Sinks.
Justice.	Stautzenberger.
Kinnear.	Tomme.
Laird.	Veatch.
Lane of Hamilton.	Walker.
Low.	Webb.

#### Nays—68.

Acker.	Masterson.
Baker of Orange.	McDougald.
Barron.	McGill.
Bateman.	McNatt.
Bedford.	Merritt.
Bird.	Pavlica.
Boggs.	Perdue.
Carter.	Poage.
Conway.	Pope.
Covey.	Raymer.
Cox of Navarro.	Robinson.
Cummings.	Rogers.
Daniels.	Rowland.
Davis of Dallas.	Runge.
Davis of Wood.	Shearer.
Dinkle.	Sheats.
Donnell.	Smith of Travis.
Downs.	Sparks.
Dunlap.	Stell.
Dunn of Falls.	Storey.
Dunn of Hopkins.	Stout.
Durham.	Strong.
Faulk.	Taylor.
Fields.	Teer.
Finlay.	Thompson.
Foster.	Wade.
Frnka.	Wallace.
Harper.	Wells.
High.	Westbrook.
Jacks.	Wester.
Jasper.	Williamson.
Johnson.	Woodruff.
Jordan.	Young.
Kemble.	

#### Present—Not Voting.

Brown.	Rawlins.
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#### Absent.

Alexander of Limestone.	Florence.
Baker of Panola.	Graves.
Blount.	Hall.
Bobbitt.	Houston.
DeBerry.	Hull.
Farrar.	Kayton.
	Kittrell.

Lipscomb.	Sanford.
Loftin.	Smith of Nueces.
Maxwell.	Smyth.
Nicholson.	Stevens.
Pool.	Wilson.

Absent—Excused.

Albritton.	Kenyon.
Bartlett.	King.
Bonham.	Lane of Harrison.
Cade.	Mankin.
Chitwood.	Montgomery.
Dielmann.	Petsch.
Hagaman.	Purl.
Irwin.	Rowell.
Jones.	Stevenson.

Question then recurring on the motion to print, it prevailed.

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. McGill, Senate bill No. 16 was ordered not printed.

On motion of Mr. DeBerry, House bill No. 414 was ordered not printed.

#### NOTICE GIVEN.

Mr. Faulk gave notice that he would on tomorrow ask to be taken up for consideration the motion to reconsider the vote by which House bill No. 4 failed to pass to engrossment.

#### RELATING TO UNIVERSITY OF TEXAS ATHLETIC COUNCIL.

Mr. Sheats offered the following resolution:

Whereas, The Athletic Council of the University of Texas has seen fit to issue complimentary tickets for the benefit of members of the House of Representatives of the Thirty-ninth Legislature to all athletic contests to be held in Austin under the auspices of the University of Texas while the Legislature is in session; now, therefore, be it

Resolved by the House of Representatives, That the House express its appreciation of this courtesy to the President of the University of Texas and to the chairman of the Athletic Council; and be it further

Resolved, That this resolution be spread on the Journal and that the Chief Clerk be and is hereby directed to send a copy of this resolution to Dr. W. M. W. Splawn, President of the University of Texas, and to the Athletic Council of the University of Texas.

The resolution was read second time and was adopted.

#### HOUSE BILL NO. 440 ON SECOND READING.

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 440, A bill to be entitled "An Act authorizing the issuance of State of Texas refunding bonds in the amount of seven hundred fifty thousand (\$750,000) dollars, dated February 1, 1925, bearing five (5) per cent interest, payable semi-annually, to be executed and delivered in lieu thereof to the holder of State of Texas Funding Bonds, Series 1923, dated February 1, 1923, due February 1, 1925, and prescribing the duties of various State officials in reference thereto, and making an appropriation to pay the principal and interest thereof and to pay the expenses thereof, repealing the appropriation made to support the original issue of bonds, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 440 ON THIRD READING.

Mr. Blount moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 440 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—101.

Acker.	Dunn of Hopkins.
Alexander	Durham.
of Bastrop.	Enderby.
Atkinson.	Farrar.
Baker of Orange.	Faulk.
Barker.	Fields.
Barron.	Finlay.
Bateman.	Foster.
Bedford.	Frnka.
Bird.	Graves.
Blount.	Gray.
Bobbitt.	Hall.
Brown.	Harman.
Bryant.	Harper.
Carter.	High.
Coffey.	Hollowell.
Conway.	Hoskins.
Covey.	Jacks.
Cox of Navarro.	Jasper.
Dale.	Johnson.
Davis of Wood.	Justice.
DeBerry.	Kinnear.
Dielmann.	Kittrell.
Donnell.	Lane of Hamilton.
Downs.	Lipscomb.
Dunlap.	Loftin.
Dunn of Falls.	Low.



Mankin.	Runge.
Masterson.	Shearer.
Maxwell.	Sheats.
McBride.	Simpson.
McDonald.	Sinks.
McDougald.	Smith of Nueces.
McGill.	Smith of Travis.
McKean.	Smyth.
McNatt.	Sparks.
Moore.	Stautzenberger.
Parish.	Stell.
Pavlica.	Stout.
Pearce.	Taylor.
Perdue.	Teer.
Poage.	Thompson.
Pool.	Tomme.
Pope.	Veatch.
Powell.	Wade.
Rawlins.	Walker.
Raymer.	Wallace.
Renfro.	Webb.
Rice.	Westbrook.
Robinson.	Williamson.
Rogers.	Woodruff.
Rowland.	Young.

Nays—1.

Bean.

Present—Not Voting.

Cummings.

Absent.

Alexander	Kayton.
of Limestone.	Kemble.
Amsler.	Laird.
Avis.	McFarlane.
Baker of Panola.	Merritt.
Boggs.	Nicholson.
Coody.	Sanford.
Cox of Lamar.	Simmons.
Daniels.	Stevens.
Davis of Dallas.	Storey.
Florence.	Strong.
Houston.	Wells.
Hull.	Wester.
Jordan.	Wilson.

Absent—Excused.

Albritton.	Kenyon.
Bartlett.	King.
Bonham.	Lane of Harrison.
Cade.	Montgomery.
Chitwood.	Petsch.
Dinkle.	Purl.
Hagaman.	Rowell.
Irwin.	Stevenson.
Jones.	

The Speaker then laid House bill No. 440 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—110.

Acker.	Kittrell.
Alexander	Lane of Hamilton.
of Bastrop.	Lipscomb.
Amsler.	Loftin.
Atkinson.	Low.
Avis.	Mankin.
Baker of Orange.	Masterson.
Baker of Panola.	Maxwell.
Barker.	McBride.
Barron.	McDonald.
Bateman.	McDougald.
Bean.	McFarlane.
Bedford.	McGill.
Bird.	McKean.
Blount.	McNatt.
Bobbitt.	Merritt.
Boggs.	Nicholson.
Brown.	Pavlica.
Bryant.	Pearce.
Carter.	Poage.
Coffey.	Pope.
Conway.	Powell.
Coody.	Rawlins.
Covey.	Raymer.
Cox of Lamar.	Renfro.
Cox of Navarro.	Rice.
Cummings.	Robinson.
Dale.	Rogers.
Davis of Dallas.	Rowland.
DeBerry.	Runge.
Dinkle.	Shearer.
Donnell.	Sheats.
Downs.	Simmons.
Dunlap.	Simpson.
Dunn of Falls.	Sinks.
Dunn of Hopkins.	Smith of Nueces.
Durham.	Smith of Travis.
Enderby.	Smyth.
Farrar.	Sparks.
Fields.	Stautzenberger.
Finlay.	Stell.
Foster.	Stout.
Frnka.	Strong.
Graves.	Taylor.
Gray.	Teer.
Hall.	Thompson.
Harman.	Tomme.
Harper.	Veatch.
High.	Wade.
Hollowell.	Walker.
Hoskins.	Wallace.
Jasper.	Webb.
Johnson.	Wester.
Jordan.	Williamson.
Justice.	Woodruff.
Kinnear.	Young.

Present—Not Voting.

Perdue.

Absent.

Alexander	Faulk.
of Limestone.	Florence.
Daniels.	Houston.
Davis of Wood.	Hull.

Irwin.	Pool.
Jacks.	Sanford.
Kayton.	Stevens.
Kemble.	Storey.
Laird.	Wells.
Moore.	Westbrook.
Parish.	Wilson.

Absent—Excused.

Albritton.	Kenyon.
Bartlett.	King.
Bonham.	Lane of Harrison.
Cade.	Montgomery.
Chitwood.	Petsch.
Dielmann.	Purl.
Hagaman.	Rowell.
Jones.	Stevenson.

## HOUSE BILL NO. 32 ON SECOND READING.

(By Unanimous Consent.)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 32, A bill to be entitled "An Act making an appropriation to pay the mileage and per diem of the Presidential Electors of Texas for the year 1925, and declaring an emergency."

The bill was read second time and was passed to engrossment.

## HOUSE BILL NO. 32 ON THIRD READING.

Mr. Barker moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 32 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—112.

Acker.	Cox of Navarro.
Alexander	Cummings.
of Bastrop.	Dale.
Amsler.	Davis of Dallas.
Atkinson.	Davis of Wood.
Baker of Orange.	DeBerry.
Barker.	Dinkle.
Barron.	Donnell.
Bateman.	Downs.
Bean.	Dunlap.
Bedford.	Dunn of Falls.
Bird.	Dunn of Hopkins.
Blount.	Durham.
Boggs.	Enderby.
Brown.	Farrar.
Bryant.	Faulk.
Carter.	Fields.
Coffey.	Finlay.
Conway.	Foster.
Covey.	Frnka.
Cox of Lamar.	Graves.

Gray.	Pope.
Hall.	Powell.
Harman.	Rawlins.
Harper.	Raymer.
High.	Renfro.
Hollowell.	Rice.
Hoskins.	Robinson.
Jacks.	Rogers.
Jasper.	Rowland.
Johnson.	Runge.
Jordan.	Shearer.
Justice.	Sheats.
Kinnear.	Simpson.
Kittrell.	Sinks.
Laird.	Smith of Nueces.
Lane of Hamilton.	Smith of Travis.
Lipscomb.	Smyth.
Loftin.	Sparks.
Mankin.	Stautzenberger.
Masterson.	Stell.
Maxwell.	Stout.
McBride.	Taylor.
McDonald.	Teer.
McDougald.	Thompson.
McFarlane.	Tomme.
McGill.	Veatch.
McKean.	Wade.
McNatt.	Walker.
Moore.	Wallace.
Parish.	Webb.
Pavlica.	Wells.
Pearce.	Westbrook.
Perdue.	Wester.
Poage.	Williamson.
Pool.	Young.

Absent.

Alexander	Kemble.
of Limestone.	Low.
Avis.	Merritt.
Baker of Panola.	Nicholson.
Bobbitt.	Sanford.
Coody.	Simmons.
Daniels.	Stevens.
Florence.	Storey.
Houston.	Strong.
Hull.	Wilson.
Kayton.	Woodruff.

Absent—Excused.

Albritton.	Kenyon.
Bartlett.	King.
Bonham.	Lane of Harrison.
Cade.	Montgomery.
Chitwood.	Petsch.
Dielmann.	Purl.
Hagaman.	Rowell.
Irwin.	Stevenson.
Jones.	

The Speaker then laid House bill No. 32 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—103.

Acker.	Loftin.
Alexander	Low.
of Bastrop.	Mankin.
Atkinson.	Masterson.
Baker of Orange.	Maxwell.
Barker.	McBride.
Barron.	McDonald.
Bateman.	McDougald.
Bean.	McGill.
Bedford.	McKean.
Bird.	McNatt.
Blount.	Moore.
Boggs.	Parish.
Brown.	Pavlica.
Bryant.	Pearce.
Carter.	Perdue.
Coffey.	Poage.
Conway.	Pool.
Covey.	Pope.
Cox of Navarro.	Powell.
Dale.	Rawlins.
Davis of Wood.	Raymer.
DeBerry.	Renfro.
Dinkle.	Rice.
Donnell.	Robinson.
Downs.	Rogers.
Dunlap.	Rowland.
Dunn of Falls.	Runge.
Dunn of Hopkins.	Shearer.
Durham.	Sheats.
Enderby.	Simpson.
Farrar.	Sinks.
Faulk.	Smith of Nueces.
Fields.	Smyth.
Finlay.	Sparks.
Foster.	Stautzenberger.
Frnka.	Stell.
Graves.	Stout.
Gray.	Taylor.
Hall.	Teer.
Harman.	Thompson.
Harper.	Tomme.
High.	Veatch.
Hollowell.	Wade.
Hoskins.	Walker.
Jacks.	Wallace.
Jasper.	Webb.
Johnson.	Westbrook.
Justice.	Wester.
Kinnear.	Williamson.
Kittrell.	Woodruff.
Lane of Hamilton.	Young.
Lipscomb.	

Present—Not Voting.

Cummings.

Absent.

Alexander	Cox of Lamar.
of Limestone.	Daniels.
Amsler.	Davis of Dallas.
Avis.	Florence.
Baker of Panola.	Houston.
Bobbitt.	Hull.
Coody.	Jordan

Kayton.	Simmons.
Kemble	Smith of Travis.
Laird.	Stevens.
McFarlane.	Storey.
Merritt.	Strong.
Nicholson.	Wells.
Sanford.	Wilson.

Absent—Excused.

Albritton.	Kenyon.
Bartlett.	King.
Bonham.	Lane of Harrison.
Cade.	Montgomery.
Chitwood.	Petsch.
Dielmann.	Purl.
Hagaman.	Rowell.
Irwin.	Stevenson.
Jones.	

## HOUSE BILL NO. 101 ON SECOND READING.

On motion of Mr. Laird, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 101, A bill to be entitled "An Act to create a permanent Text-Book Commission for the State of Texas, to be styled 'The Texas State Text-Book Commission'; defining its membership and appointment; authorizing the adoption of a system of uniform text-books in this State; providing the manner in which revisions of adopted texts may be made," etc.

The Speaker laid the bill before the House, and it was read second time.

Mr. McFarlane offered the following (committee) amendment to the bill:

(1)

Amend Section 23 to hereafter read as follows:

"Sec. 23. Adopted Text-books Shall Be Used to the Exclusion of All Other Text-books.—The books adopted by the commission under the provisions of this act shall be introduced and used at text-books to the exclusion of all others in public free schools of this State for such period of years as may be determined by the commission, not to exceed six years in any case; provided the right to the exclusive use of new books during the first two years of the term of any contract may be waived by the contracting parties to provide for gradual introduction of the new books, and provided further that nothing in this act shall be construed to prevent or prohibit the trustees of school districts from purchasing text-books with the local maintenance funds and furnishing free text-books to the students in the

event that no contracts are made by the State. Provided that the county superintendent may sell at actual cost any books, the funds derived therefrom shall be apportioned to the respective school districts where party purchasing same resides, and shall go to the library fund. Provided that said commission shall not contract for any book of which any member of the nominating committee, or any member of said commission is or may be author."

Mr. McFarlane offered the following amendment to the (committee) amendment:

Amend the (committee) amendment by inserting after the word "fund," line 15, page 25, the following: "And no books shall be issued to the students by the State who have purchased said books."

The amendment to the (committee) amendment was adopted.

The (committee) amendment as amended was then adopted.

Mr. McFarlane offered the following (committee) amendments to the bill:

(2)

Amend Section 22 to hereafter read as follows:

"Sec. 22. Books Shall Be Labeled.—The contract price of each book shall be plainly printed on the inside cover of each book, together with the following notice: 'The price marked hereon is fixed by the State, and any deviation therefrom should be reported to the State Superintendent of Public Instruction.'"

(3)

Amend Section 5 to hereafter read as follows:

"Sec. 5. Shall Adopt a Uniform System of Text-books.—The Text-Book Commission authorized by this act shall have authority to select and adopt a uniform system of text-books to be used in the public free schools of Texas, and the books so selected and adopted shall be printed in the English language and shall include and be limited to text-books on the following subjects: Spelling, a graded series of reading books, a course in language lessons, English grammar, English composition, history of English literature, history of American literature, geography, arithmetic, physiology and hygiene, civil government, algebra, physical geography, history of the United States (in which the construction placed on the Federal Constitution by the fathers of the Confederacy shall be fairly represented), his-

tory of Texas, agriculture, a graded system of writing and drawing books, plane geometry, solid geometry, general science, biology, physics, chemistry, general history, Latin, and modern languages; provided that the series of readers adopted by the Commission shall have a full-page cut of the manual alphabet as used by the Texas School for the Deaf; provided that none of the text-books shall contain anything of a partisan or sectarian character, and that nothing in this act shall be construed to prevent the teaching of German, Bohemian, Spanish, French, Latin or Greek in any of the public high schools as a branch of study, but the teaching of one or more of these languages shall not interfere with the use of text-books herein prescribed; and the study of a language known as a dead language, such as Latin or Greek, shall never be made compulsory as a requirement for the completion of any regular course of study in use in any public school in this State without providing an equivalent course for graduation equal in all other respects to such a course, containing such dead language or languages, which shall not include the same; provided that if one or more of the foregoing subjects shall be taught in different grades separate text-books graded in difficulty to meet the conditions may be adopted; and provided further, that nothing herein shall be construed to prevent the use of supplementary books as herein provided. The Commission as herein provided for shall adopt text-books in accordance with provisions of this act for every public free school in the State, and no public free school in this State shall use any text-book during the first two years of the life of the contract for said book to the exclusion of other books which are the property of the State."

The amendments were severally adopted.

Mr. McFarlane offered the following (committee) amendment to the bill:

Amend Section 13 to hereafter read as follows:

"Sec. 13. Bond.—The bidder to whom any contract may have been awarded shall execute a good and sufficient bond payable to the State of Texas, in the sum of not less than ten thousand (\$10,000) dollars for each basal book adopted under the provisions of this act; provided, no bidder be required to make more than a fifty thousand (\$50,000) dollar bond to the State of Texas to cover any contracts awarded him; provided further, that the Commission is hereby given authority to require bond

in such further and additional sums as it may deem advisable, said bond to be approved by the commission; such bond to be conditioned that the contractor shall faithfully perform all the conditions of the contract; the contract and bond shall be prepared by the Attorney General, and be payable in Travis county, Texas, and shall be deposited in the office of the Secretary of State. For the purpose of securing satisfactory bond a series of pamphlet writing books shall be considered as one basal book and a series of pamphlet drawing books shall be considered as one basal book. The bond shall not be exhausted by a single recovery thereon, but may be sued upon from time to time until the full amount thereof is recovered; and the Texas State Text-Book Commission may, at any time, on twenty days' notice, require a new bond to be given, and in event the contractor shall fail to furnish such new bond, the contract of such contractor may, at the option of the Texas State Text-Book Commission, be forfeited."

Mr. Laird offered the following amendment to the amendment:

Amend House bill No. 101 (committee amendment No. 4), Section 13, page 26, line 38, by adding after the words "basal book" the words "and not less than three thousand (\$3000) dollars for each supplementary book."

The amendment to the amendment was adopted.

Committee amendment No. 4, as amended, was then adopted.

Mr. Laird, by unanimous consent, moved to reconsider the vote by which (committee) amendment No. 3 was adopted.

The motion to reconsider prevailed.

Mr. Laird offered the following amendment to (committee) amendment No. 3:

Amend House bill No. 101 (committee amendment No. 3), Section 5, page 26, line 5, by adding after the word "chemistry" the words "ancient history, modern history."

The amendment was adopted.

Committee amendment No. 3, as amended, was then adopted.

Mr. Laird moved to reconsider the vote by which (committee) amendment No. 2 was adopted.

The motion to reconsider prevailed.

Mr. Laird offered the following amendment to (committee) amendment No. 2:

Amend House bill No. 101 (committee amendment No. 2), Section 22, page 25, line 26, by adding the words "provided this notice may be waived by the State

Board of Education during the last year of the contract period."

The amendment to the amendment was adopted.

Committee amendment No. 2, as amended, was then adopted.

Mr. Laird offered the following amendment to the bill:

Amend House bill No. 101, Section 28, page 16, line 16, by striking out the words "its election" and inserting the words "the election of the Attorney General."

The amendment was adopted.

Mr. Laird offered the following amendment to the bill:

Amend House bill No. 101, Section 28, page 16, line 20, by adding after the word "contract" the words "or for any violations of any of the rules and regulations of the Text-Book Commission or for any violations of any of the provisions of this act which declare that contracts entered into for the furnishing of text-books would be void, or on any other ground which in law or equity would void such contract."

The amendment was adopted.

Mr. Laird offered the following amendment to the bill:

Amend House bill No. 101, Section 1, page 3, line 5, by inserting after the word "Commission" the following: "provided that the Text-Book Commission for the biennium 1925-1927 shall be appointed as heretofore authorized by law."

The amendment was adopted.

Mr. Harman offered the following amendment to the bill:

Amend House bill No. 101, page 2, Section 1, by striking out the following: "The president of the College of Industrial Arts and the president of the University of Texas, the president of the A. and M. College," and insert in lieu thereof the following: "The city superintendent of schools of San Antonio, and the city superintendent of schools of Dallas, and the city superintendent of schools of Wichita Falls."

The amendment was adopted.

Mr. Harman offered the following amendment to the bill:

Amend House bill No. 101, page 4, Section 3, by striking out in line 29 the following: "Two-thirds of the members of the Commission present and voting," and insert in lieu thereof the following: "Six members of the Commission, exclusive of the Governor."

The amendment was adopted.

Mr. Westbrook offered the following amendment to the bill:

Amend House bill No. 101, page 2, line 34, by inserting the following after the word "who": "Including a banker of not less than five years' experience who shall be appointed every two years by the Governor."

The amendment was adopted.

Mr. Smith of Travis offered the following amendment to the bill:

Amend House bill No. 101, Section 32, page 17, by adding at the end of said section the following: "Provided said sum to purchase supplemental text-books shall be paid by the schools using such supplemental text-books."

Mr. Graves offered the following amendment to the amendment:

Amend by adding to the Smith amendment the words "except supplementary readers."

On motion of Mr. Smith of Travis, the amendment to the amendment was tabled.

Question then recurring on the amendment by Mr. Smith of Travis, it was lost.

Mr. Westbrook offered the following amendment to the bill:

Amend House bill No. 101, page 16, line 30, by inserting after the word "teachers" "and banker."

The amendment was adopted.

Mr. Laird offered the following amendment to the bill:

Amend House bill No. 101, Section 4, page 5, line 34, by adding at the end of said section the following:

"Provided further, that before the meeting of the Text-Book Commission, the State Superintendent of Public Instruction shall make inquiries among the teachers in the public schools of Texas to ascertain if a change is desired and no change in books shall be made, until such change is requested by as many as sixty-five per cent of those replying; provided further, that no change shall be made unless at least one thousand teachers reply to said question."

The amendment was adopted.

Mr. Williamson moved the previous question on the passage of the bill to engrossment, and the motion was not seconded.

Mr. Strong offered the following amendment to the bill:

Amend Section 6 by striking out "a first series of," following the word "adopt" in line 38; also by striking out "and that contracts for not more than three such series may be in force at the same time," beginning on line 3 and ending with "time," line 5, and substituting the following, "and, provided

further, that no school shall be entitled to more than four full sets or series of supplementary readers at any one time."

The amendment was lost.

Mr. Dunn of Hopkins offered the following amendment to the bill:

Amend Section 6 by striking out after the word "grades" in line 39, page 6, all to and including the word "advisable," in line 1, page 7.

The amendment was adopted.

Mr. Raymer offered the following amendment to the bill:

Amend House bill No. 101, by adding the following words at the end of Section 5, page 6, at line 36: "The teachers of all schools furnished text-books under the provisions of this act, shall be furnished a desk copy of each book adopted, for use in teaching; provided, that the title to such text-book so furnished shall be governed by the general provisions of this act."

The amendment was adopted.

Mr. Covey offered the following amendment to the bill:

Amend House bill No. 101, Section 1, lines 19 and 20, by striking out "The State Superintendent of Public Instruction" and substituting "The president of the Texas State Teachers' Association."

Question—Shall the amendment be adopted?

#### FREE CONFERENCE COMMITTEE ON HOUSE BILL NO. 382.

Mr. Blount called up from the Speaker's table, with Senate amendments, for the consideration of the amendments,

H. B. No. 382, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain eleemosynary institutions of the State, and other expenses of maintaining and conducting them for the two fiscal years beginning September 1, 1925, and ending August 31, 1927. as follows, to-wit: Confederate Woman's Home; State Confederate Home; State Colony for Feeble-Minded; Deaf, Dumb and Blind Institute for Colored Youths; East Texas Hospital for the Insane; State Epileptic Colony; Girls' Training School; Home for Dependent and Neglected Children; North Texas Hospital for Insane; Northwest Texas Hospital for Insane; Southwestern Insane Asylum; State Juvenile Training School; State Lunatic Asylum; State Pasteur Institute; State Lunatic Asylum Annex; State Orphans' Home; State Tuberculosis Sanatorium; State Hospital for Crip-

pled and Deformed Children, and declaring an emergency."

The Speaker laid the bill before the House and the Senate amendments were read.

Mr. Blount moved that the House do not concur in the Senate amendments, and that a Free Conference Committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following Free Conference Committee on the part of the House on House bill No. 382:

Messrs. Blount, Sanford, Wade, Stevens, and Parish.

#### MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 16, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 81, A bill to be entitled "An Act to amend subdivision 2 of Section 7 of Chapter 83 of the Acts of the Regular Session of the Thirty-fifth Legislature approved March 15, 1917, relating to the prospecting for and the development of minerals and other substances in the public lands, islands, waters, river beds and channels owned by the State; and providing for the securing and payment for all permits for lease of said lands, especially bays, marshes, reefs, salt-water lakes and submerged lands, and declaring an emergency."

S. B. No. 104, A bill to be entitled "An Act amending Article 650b of the Revised Statutes of Texas of 1895, as enacted by the Thirtieth Legislature, Acts 107, page 294, being subdivision 73, Article 1121, of Title 25 of Revised Statutes of Texas of 1911, as amended by the Thirty-third Legislature, Acts 1913, page 352, so as to provide that private corporations may be created for, or, after being created, may so amend their charters as to include two or more of the following purposes, namely: the supply of water to the public for irrigation, power, municipal or domestic purposes; the manufacture of and supply of ice to the public; the generation of and supply of gas, electric light and motor power to the public; the manufacture, supply and sale of carbonated

water to the public; the operation of cottonseed oil mills, and the operation of cotton compresses, and removing the restrictions as to the amount of capital stock of such corporations imposed thereby; provided that corporations including more than one of the purposes named in this article shall pay the franchise tax provided by law for each of the purposes so included in their said charters, or amendments thereto."

S. B. No. 131, A bill to be entitled "An Act to amend Articles 157, 161 and 163 of the Revised Statutes of the State of Texas of 1911, relating to the commitment and confinement of insane persons; the manner thereof; the furnishing of a transcript of the proceedings relating thereto; repealing all laws in conflict herewith; declaring an emergency, and fixing a time for this act to take effect."

S. B. No. 161, A bill to be entitled "An Act to repeal Article 791 of the Code of Criminal Procedure of 1911 of the State of Texas, relating to the testimony of principals, accomplices and accessories."

S. B. No. 174, A bill to be entitled "An Act making the people secure in their persons, houses, papers and possessions from all unlawful and unreasonable seizures or searches; making it unlawful in the trial of any court within this State to introduce evidence obtained or testimony secured by or through an unlawful or unreasonable seizure or search made by or under the direction of any peace officer, State Ranger, or any other person; providing for a penalty when making an unlawful search, and declaring an emergency."

H. B. No. 382, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain eleemosynary institutions of the State, and other expenses of maintaining and conducting them for the two fiscal years beginning September 1, 1925, and ending August 31, 1927, as follows, to wit: Confederate Woman's Home; State Confederate Home; State Colony for Feeble-Minded; Deaf, Dumb and Blind Institute for Colored Youths; East Texas Hospital for the Insane; State Epileptic Colony; Girls' Training School; Home for Dependent and Neglected Children; North Texas Hospital for Insane; Northwest Texas Hospital for Insane; Southwestern Insane Asylum; State Juvenile Training School; State Lunatic Asylum; State Pasteur Institute; State Tuberculosis Sanatorium; State Hospital for Crippled and Deformed Children, and declaring an

emergency," with Senate committee substitute with amendments.

Respectfully,  
MORRIS C. HANKINS,  
Assistant Secretary of the Senate.

# RECESS.

On motion of Mr. McFarlane, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

# AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

# HOUSE BILL NO. 101 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 101, relating to establishing a State Text Book Commission, on its passage to engrossment, with amendment by Mr. Covey pending.

Question recurring on the amendment by Mr. Covey, it was lost.

Mr. Laird offered the following amendment to the bill:

Amend House bill No. 101, Section 6, page 7, line 5, by inserting after the word "time" the following: "provided further, that such series of these supplementary books shall only be used to supplement the basal book on reading and in no case shall supplemental books be adopted for other subjects."

The amendment was adopted.

Mr. Dunn of Hopkins moved to reconsider the vote by which an amendment offered by him this morning was adopted.

The motion to reconsider prevailed.

Mr. Dunn of Hopkins then withdrew the amendment.

House bill No. 101 was then passed to engrossment.

# HOUSE BILL NO. 101 ON THIRD READING.

Mr. Laird moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 101 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—90.

Alexander	Baker of Orange.
of Bastrop.	Baker of Panola.
Amsler.	Barker.
Atkinson.	Barron.

Bean.	McBride.
Bobbitt.	McDonald.
Boggs.	McDougald.
Brown.	McFarlane.
Bryant.	McGill.
Coffey.	McNatt.
Conway.	Moore.
Coody.	Nicholson.
Cox of Lamar.	Parish.
Dale.	Pavlica.
Daniels.	Pearce.
Davis of Dallas.	Perdue.
Davis of Wood.	Poage.
Dielmann.	Pope.
Donnell.	Rawlins.
Downs.	Raymer.
Dunlap.	Renfro.
Dunn of Falls.	Robinson.
Dunn of Hopkins.	Rogers.
Enderby.	Rowland.
Farrar.	Sanford.
Florence.	Sheats.
Foster.	Simmons.
Frnka.	Simpson.
Gray.	Sinks.
Harman.	Smith of Nueces.
Harper.	Sparks.
High.	Stautzenberger.
Hollowell.	Stell.
Hoskins.	Stevens.
Hull.	Stout.
Jacks.	Thompson.
Jasper.	Veatch.
Johnson.	Wade.
Jordan.	Wallace.
Justice.	Webb.
Kittrell.	Westbrook.
Laird.	Wester.
Lane of Hamilton.	Williamson.
Lipscomb.	Woodruff.
Masterson.	Young.
Maxwell.	

Nays—15.

Albritton.	Kinnear.
Avis.	McKean.
Bedford.	Merritt.
Carter.	Rice.
Covey.	Smith of Travis.
Graves.	Taylor.
Hall.	Walker.
Kemble.	

Absent.

Acker.	Finlay.
Alexander	Houston.
of Limestone.	Kayton.
Bateman.	Loftin.
Bird.	Low.
Blount.	Mankin.
Cox of Navarro.	Pool.
Cummings.	Powell.
DeBerry.	Runge.
Dinkle.	Shearer.
Durham.	Smyth.
Faulk.	Storey.
Fields.	Strong.



Teer.  
Tomme.

Wells.  
Wilson.

Absent—Excused.

Bartlett.  
Bonham.  
Cade.  
Chitwood.  
Hagaman.  
Irwin.  
Jones.  
Kenyon.

King.  
Lane of Harrison.  
Montgomery.  
Petsch.  
Purl.  
Rowell.  
Stevenson.

The Speaker then laid House bill No. 101 before the House on its third reading and final passage.

The bill was read third time and was passed.

#### HOUSE BILL NO. 67 ON SECOND READING.

On motion of Mr. Mankin, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 67, A bill to be entitled "An Act to prohibit any person masked or disguised from going into any public place in a manner calculated to disturb the inhabitants thereof or from disturbing any inhabitants thereof; or from going into or near or demanding entrance or admission into any private house or church or from disturbing any inhabitant thereof; or from, in either a public or private place, permitting any assault upon any person; defining punishment for violation of this act, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Kittrell offered the following (committee) amendment to the bill:

Strike out all after the enacting clause and insert the following:

Section 1. If any person shall go into or near any public place masked or disguised in such manner as to hide his identity or render same difficult to determine, he or she shall be guilty of a misdemeanor, and upon conviction fined in any sum not exceeding \$500, or imprisonment in the county jail not exceeding twelve months, or by both such fine and imprisonment; provided this article shall not apply to private or public functions, festivals, or events not fostered, caused or presented by any secret society or organization.

Sec. 2. Any "public place" as used in the preceding article is any public road, street or alley of a town or city, or any store, garage, workshop, or any place at which people are assembled or to which people commonly resort for

purposes of business, amusement, or other lawful purpose, other than a church or other place where people are assembled for religious services or purposes.

Sec. 3. If any person who is masked or disguised in such manner as to hide his or her identity, or as to render same difficult to determine shall go into or near any private house, or shall demand or seek entrance therein or disturb any of the inhabitants thereof shall be guilty of a felony, and, upon conviction thereof, shall be punished by confinement in the penitentiary for a term of not less than one nor more than ten years.

Sec. 4. If any person masked or disguised in such manner as to hide his identity or make same difficult of determination shall go into any church or other place where people are assembled for religious services or purposes, he shall be punished by confinement in the penitentiary for a term of years not less than two nor more than ten; provided this article shall not apply to any entertainment or service solely under the auspices of such church or religious gathering, and not fostered, caused or presented by any secret society or organization.

Sec. 5. If any two or more persons acting in concert, or aiding and abetting each other, when either or all of whom are masked, or in disguise, shall assault or shall falsely imprison any other person, each of such persons so offending shall be guilty of a felony, and upon conviction shall be punished by confinement in the penitentiary for any term of years not less than five. The terms "masked or in disguise" used in this article mean that such person by artificial means has so changed or obscured his usual appearance as to render his identification impossible, or more difficult than it would have been if such mask or disguise had not been used.

Sec. 6. It shall be unlawful for any secret society or organization, or a part of the members thereof, masked or in disguise, to parade upon or along any public road or any street or alley of any city or town in this State, and all members of such society or organization so parading, or other members of such society who aid, abet or encourage such parade, shall be guilty of an offense, and upon conviction shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars or imprisonment in the county jail not more than six months, or by both such fine and imprisonment.

Sec. 7. Should any article or part

of this act be held invalid, it shall not affect or invalidate any other article or part hereof.

Sec. 8. Whereas there are no laws now existing in Texas preventing such offenses as are defined in this act; and whereas the public should be protected against such acts as are in this act made offenses; therefore, there is an emergency and an imperative public necessity for the immediate passage of this bill, and the constitutional rule requiring bills to be read on three several days is hereby suspended and this act shall be in force and effect from and after its passage, and it is so enacted.

The amendment was adopted.

Mr. Jacks offered the following amendment to the bill:

Amend House bill No. 67 by adding at the end of line 19, page 4, the following: "provided that nothing in this section shall apply to Masonic orders, the Knights of Columbus, or any other order besides the Ku Klux Klan."

On motion of Mr. Kittrell, the amendment was tabled.

Mr. Lipscomb moved that further consideration of the bill be postponed until 2 o'clock p. m. next Tuesday.

The motion to postpone was lost.

Mr. McDonald offered the following amendment to the bill:

Amend House bill No. 67, page 4, Section 6, line 19, by striking out period after the word imprisonment and insert the following: "Provided that nothing in Section 6 shall apply to the Masonic body known as the Shrine."

The amendment was adopted.

Mr. Stell offered the following amendment to the bill:

Amend House bill No. 67, Section 3, line 29, by adding the following: "Halloween ghosts and Santa Claus to be exempted from the provisions of this bill."

Mr. Kittrell moved to table the amendment, and the motion to table was lost.

Question recurring on the amendment, it was lost.

Mr. Lipscomb offered the following amendment to the bill:

Amend House bill No. 67 by adding after the word "House" in line 24, Section 3, page 3, (committee) amendment No. 1, the words "not his or her own."

The amendment was adopted.

Mr. Kittrell moved the previous question on the passage of the bill to engrossment, and the main question was ordered.

Question recurring on the passage of

the bill to engrossment, yeas and nays were demanded.

House bill No. 67 was then passed to engrossment by the following vote:

Yeas—79.

Acker.	Laird.
Albritton.	Lane of Hamilton.
Amsler.	Loftin.
Baker of Orange.	Mankin.
Baker of Panola.	Masterson.
Barker.	McFarlane.
Barron.	McGill.
Bateman.	Moore.
Bean.	Parish.
Bedford.	Pavlica.
Bird.	Pearce.
Bobbitt.	Poage.
Brown.	Pope.
Bryant.	Raymer.
Coffey.	Renfro.
Cox of Lamar.	Rice.
Cox of Navarro.	Robinson.
Dale.	Runge.
DeBerry.	Sanford.
Dielmann.	Shearer.
Donnell.	Simmons.
Downs.	Simpson.
Dunn of Falls.	Sinks.
Enderby.	Smith of Nueces.
Farrar.	Smith of Travis.
Finlay.	Smyth.
Foster.	Sparks.
Frnka.	Stautzenberger.
Graves.	Stell.
Hagaman.	Stevens.
Hall.	Stevenson.
Harman.	Stout.
Harper.	Strong.
High.	Teer.
Hollowell.	Thompson.
Hoskins.	Veatch.
Hull.	Wallace.
Jasper.	Wester.
Justice.	Williamson.
Kittrell.	Young.

Nays—38.

Alexander	Jordan.
of Bastrop.	Kemble.
Atkinson.	Kinnear.
Avis.	Lipscomb.
Boggs.	Maxwell.
Carter.	McBride.
Conway.	McDonald.
Coody.	McDougald.
Cummings.	McKean.
Davis of Dallas.	McNatt.
Davis of Wood.	Merritt.
Dinkle.	Nicholson.
Dunlap.	Perdue.
Dunn of Hopkins.	Rawlins.
Fields.	Rogers.
Florence.	Rowland.
Gray.	Taylor.
Jacks.	Wade.
Johnson.	Westbrook.

## Present—Not Voting.

Sheats. Woodruff.  
Webb.

## Absent.

Alexander Low.  
of Limestone. Pool.  
Blount. Powell.  
Covey. Storey.  
Daniels. Tomme.  
Durham. Walker.  
Faulk. Wells.  
Houston. Wilson.  
Kayton.

## Absent—Excused.

Bartlett. King.  
Bonham. Lane of Harrison.  
Cade. Montgomery.  
Chitwood. Petsch.  
Irwin. Purl.  
Jones. Rowell.  
Kenyon.

Mr. McDonald moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

## HOUSE BILL NO. 72 ON SECOND READING.

On motion of Mr. Simpson, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 72, A bill to be entitled "An Act to amend Section 1 of Chapter 82, passed by the Regular Session of the Thirty-second Legislature, amending Section 1 of Chapter 139, passed by the Regular Session of the Thirtieth Legislature, relating to the selection of juries by a jury wheel in counties with cities of certain population, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Simpson offered the following (committee) amendment to the bill:

Strike out the words and figures "five thousand (5000)" where they appear in Section 1 and insert in lieu thereof the words and figures "ten thousand (10,000)."

The amendment was adopted.

Mr. Simpson offered the following amendment to the bill:

Amend House bill No. 72 by striking out the words "or cities" in line 23 of page 1.

The amendment was adopted.

House bill No. 72 was then passed to engrossment.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, February 16, 1925.  
Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 180, A bill to be entitled "An Act providing that any foreign corporation not having a permit to do business in Texas, and lawfully owning stock of a corporation organized under the laws of Texas, may vote said stock and participate in the management and control of such corporation as other stockholders, subject to all laws, rules and regulations governing Texas corporations and limiting the number of domestic corporations in which such rights may be exercised by such foreign corporations, and declaring an emergency."

S. B. No. 190, A bill to be entitled "An Act to amend Section 6, of Chapter 74, General Laws of the Second Called Session of the Thirty-sixth Legislature, and creating the sand, gravel and shell fund; providing for refund of taxes paid on marl, gravel, shell, or mudshell, by any county, city or town, or the State Highway Commission, and providing for the enforcement of the provisions of the sand, shell and gravel law, and for the establishment and maintenance of fish hatcheries, and repealing of laws in conflict herewith, and declaring an emergency," with engrossed rider.

S. B. No. 210, A bill to be entitled "An Act to provide that all bonds of the State or any county or subdivision thereof, or any city or municipality or district within the State shall be payable at one specific place of payment designated in the bond order or ordinance and providing that all bonds purchased with public funds belonging to the State of Texas, shall be payable at the office of the State Treasurer of the State of Texas, and declaring an emergency."

S. B. No. 212, A bill to be entitled "An Act to amend Articles 1315 and 1316 of the Penal Code of the State of Texas of 1911, and declaring an emergency."

Respectfully,  
MORRIS C. HANKINS,  
Assistant Secretary of the Senate.

HOUSE BILL NO. 246 ON SECOND  
READING.

On motion of Mr. Westbrook the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 246, A bill to be entitled "An Act to amend Article 2643 of the Revised Civil Statutes of the State of Texas of 1911, as amended by Chapter 37 of the Acts of the Regular Session of the Thirty-eighth Legislature, setting aside all interest and income from the University permanent fund and lands for the purpose of constructing permanent improvements on the campus of the University of Texas, or at its branches; declaring void any contract for the expenditure of said funds for any other purpose, by including in the funds that may be used for such construction of permanent improvements all income proceeds of all mineral leases on University lands now in the State Treasury or hereafter received from such leases; and also to amend Section 17 of Chapter 83 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fifth Legislature, as amended by Chapter 58 of the Third Called Session of the Thirty-sixth Legislature, so as to provide that all proceeds heretofore, or hereafter paid and collected arising from activities affecting lands belonging to the University of Texas shall be credited to the available fund for such institution, and shall be held by the Board of Regents of such institution in a special building fund, and be expended by it only for the erection of buildings or other permanent improvements upon the University campus, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Webb offered the following amendment to the bill:

Amend by striking out the word "four" and substitute the word "ten"; line 11, page 2, by substituting the word "ten" for the word "four" in all places following in bill.

The amendment was adopted.

Mr. Kinnear offered the following amendment to the bill:

Amend House bill No. 246, Section 2, line 3, page 3, by inserting after the word buildings the following: "and equipping same."

The amendment was adopted.

House bill No. 246 was then passed to engrossment.

HOUSE BILL NO. 27 ON SECOND  
READING.

On motion of Mr. Williamson, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 27, A bill to be entitled "An Act amending Chapter 127 of the General Laws of the Regular Session of the Thirty-sixth Legislature, relative to highway traffic officers, so as to require the wearing of uniforms by such officers, and providing for the payment of salaries of such officers, and that no fees shall be charged for any service of such officer, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Williamson offered the following (committee) amendment to the bill:

Amend by striking out all above and below the enacting clause and insert in lieu thereof the following: A bill to be entitled "An Act amending Chapter 127 of the General Laws of the Regular Session of the Thirty-sixth Legislature, relating to highway officers, so as to require the wearing of uniforms and badges; and requiring such officers to patrol the public highways in the performance of their duties; fixing and providing for the payment of salaries of such officers, and further providing that no fees shall be charged by any officer for arrests made under the laws of the State of Texas regulating the highways and the operation of motor vehicles thereon, and providing for co-operation between the State Highway Department and such officers for the protection of the highways, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 4 of Chapter 127 of the General Laws of the Regular Session of the Thirty-sixth Legislature be hereby amended so as to read as follows:

"Section 4. Said deputies shall be paid a salary out of the general county fund not exceed one hundred and fifty (\$150) dollars per month, the salary to be fixed by the commissioners court, and in addition thereto the commissioners court is hereby authorized to provide at the expense of the county such necessary uniforms, caps and badges, such badges to be not less than two inches by three inches in dimensions, and other necessary equipment, to include a motorcycle and its maintenance,

as is necessary for them to discharge their duties. The salaries paid to said deputies acting as such highway officers shall be paid direct to said deputies by the commissioners court, and such salaries shall be independent of any salary or fee paid to the sheriff and all of his deputies not so acting as highway officers, and the sheriff shall not be required to account for the salaries provided for herein as fees of office or as salary to the sheriff or his other deputies. Such deputies as are provided for herein shall be appointed by the commissioners court and be deputized by either the sheriff or any constable of the county in which they are appointed, and no other officers shall make arrests in this State for violation of laws relating to highways now in effect in this State. Such deputies as provided for herein shall at all times when in the performance of their duties wear a full uniform with cap and badge, the badge to be displayed on the outside of the uniform in a conspicuous place. Such officers shall remain in and upon the highway, and at all times patrol the same while in the performance of their duties, only leaving the highway to pursue any offender whom such officers were unable to apprehend upon the highway itself. No arrest by any such officer shall be binding or valid upon the person apprehended if the officer making such arrest was in hiding or if he set a trap to apprehend persons traveling upon the highway. No fees or charges whatever shall be made for the service of such officers provided for herein, nor shall any fee for the arrests made by such officers be charged and taxed as costs or paid to such officers in any case in which such officers shall make an arrest. Such officers shall perform all their duties and make arrests for violation of any law of this State appertaining to the control and regulation of vehicles operating in and upon any highway, street, or alley of this State. The district engineer in whose district the county in which such officers operate shall advise with such officers as to the enforcement of the various State laws pertaining to control and regulation of traffic upon the highways, and in case such officers shall not perform their duties in enforcing such laws, the district engineer may complain to the commissioners court, and upon the filing of such complaint in writing duly signed by the district engineer, the commissioners court shall summons before them for a hearing the officer or officers so complained of, and if such hearing develops that such offi-

cer or officers are not performing their duties as required of them, then such officer or officers shall immediately be discharged from all of their duties and powers as herein provided for, and other officers shall forthwith be appointed. Should any portion or section of this act be held invalid or unconstitutional, such holding shall not affect the validity or constitutionality of any other portion of this act, and all other portions not held invalid or unconstitutional shall remain in full force and effect."

Sec. 2. The importance of this act, and the fact that many highwaymen, thieves, and robbers are posing as highway officers and thereby are committing crimes against the peace and dignity of the State, and the fact that certain officers making arrests unwarranted by the law or the evidence, in order to enable them to collect fees of office, create an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days in each house, and said rule is hereby suspended and this act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

House bill No. 27 was then passed to engrossment.

#### HOUSE BILL NO. 27 ON THIRD READING.

Mr. Williamson moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 27 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—87.

Acker.	Dunn of Hopkins.
Albritton.	Enderby.
Baker of Orange.	Faulk.
Barker.	Fields.
Barron.	Florence.
Bean.	Foster.
Boggs.	Frnka.
Brown.	Graves.
Bryant.	Hagaman.
Coffey.	Hall.
Conway.	Harman.
Covey.	Harper.
Cox of Lamar.	High.
Cox of Navarro.	Hollowell.
Davis of Dallas.	Hoskins.
DeBerry.	Hull.
Dielmann.	Jacks.
Dunlap.	Johnson.
Dunn of Falls.	Jordan.

Kemble.	Rogers.
Kinnear.	Rowland.
Kittrell.	Runge.
Lane of Hamilton.	Shearer.
Loftin.	Sheats.
Low.	Simmons.
Mankin.	Simpson.
Masterson.	Sinks.
McBride.	Smyth.
McDougald.	Sparks.
McFarlane.	Stautzenberger.
McGill.	Stell.
McKean.	Stevens.
McNatt.	Strong.
Merritt.	Taylor.
Moore.	Teer.
Nicholson.	Veatch.
Pearce.	Wade.
Perdue.	Wallace.
Poage.	Webb.
Pope.	Westbrook.
Rawlins.	Wester.
Renfro.	Williamson.
Rice.	Woodruff.
Robinson.	

Nays—14.

Alexander	Davis of Wood.
of Bastrop.	Gray.
Bateman.	Justice.
Bedford.	Parish.
Carter.	Pavlica.
Coody.	Thompson.
Dale.	

Present—Not Voting.

Stout.

Absent.

Alexander	Jasper.
of Limestone.	Kayton.
Amsler.	Laird.
Atkinson.	Lipscomb.
Avis.	Maxwell.
Baker of Panola.	McDonald.
Bird.	Pool.
Blount.	Powell.
Bobbitt.	Raymer.
Cummings.	Sanford.
Daniels.	Smith of Nueces.
Dinkle.	Smith of Travis.
Donnell.	Storey.
Downs.	Tomme.
Durham.	Walker.
Farrar.	Wells.
Finlay.	Wilson.
Houston.	Young.

Absent—Excused.

Bartlett.	King.
Bonham.	Lane of Harrison.
Cade.	Montgomery.
Chitwood.	Petsch.
Irwin.	Purl.
Jones.	Rowell.
Kenyon.	Stevenson.

The Speaker then laid House bill No.

27 before the House on its third reading and final passage.

The bill was read third time and was passed.

#### HOUSE BILL NO. 217 ON SECOND READING.

On motion of Mr. Strong, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 217, A bill to be entitled "An Act to protect life and limb by requiring safeguarding of all passenger elevators within the State of Texas; providing for approval of safety devices, and fixing a penalty."

The Speaker laid the bill before the House and it was read second time.

Mr. Strong offered the following (committee) amendment to the bill:

Amend Section 3 by striking out same and in lieu thereof inserting as Section 3 the following:

"Section 3. Any person, or the members of any partnership, owning, leasing or in charge or control of any building or edifice operating passenger elevators, and the board of directors, president, general manager, or other agent or employe of any corporation, or any trustee or receiver of such corporation which is the owner, lessee, or in charge or control of any such building or edifice operating passenger elevators therein, who shall violate the provisions of this act shall each be guilty of a misdemeanor, and upon conviction shall be fined not less than five (\$5) dollars nor more than twenty-five (\$25) dollars, and each day such elevator is operated without such device shall constitute a separate offense.

"The fact that there is now no adequate law in this State covering this subject, and the loss of life is occurring daily because of such lack, creates an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended, and the same is hereby suspended, and this act shall take effect and be in force, as set out in its provisions, from and after its passage, and it is so enacted."

Amend the caption so as to declare an emergency, reading "and declaring an emergency."

The amendments were severally adopted.

House bill No. 217 was then passed to engrossment.

HOUSE BILL NO. 217 ON THIRD  
READING.

Mr. Strong moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 217 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105.

Acker.	Jordan.
Albritton.	Justice.
Alexander	Kemble.
of Bastrop.	Kinnear.
Alexander	Lane of Hamilton.
of Limestone.	Loftin.
Avis.	Masterson.
Baker of Orange.	Maxwell.
Baker of Panola.	McBride.
Barker.	McDonald.
Barron.	McDougald.
Bateman.	McGill.
Bean.	McKean.
Bedford.	McNatt.
Bird.	Merritt.
Boggs.	Moore.
Brown.	Nicholson.
Bryant.	Parish.
Carter.	Pavlica.
Coffey.	Pearce.
Conway.	Perdue.
Coody.	Poage.
Covey.	Pope.
Cox of Lamar.	Rawlins.
Cox of Navarro.	Raymer.
Dale.	Renfro.
Davis of Dallas.	Rice.
Davis of Wood.	Robinson.
DeBerry.	Rogers.
Dielmann.	Rowland.
Donnell.	Runge.
Downs.	Sanford.
Dunlap.	Shearer.
Dunn of Falls.	Sheats.
Dunn of Hopkins.	Simmons.
Enderby.	Simpson.
Farrar.	Sinks.
Faulk.	Sparks.
Fields.	Stautzenberger.
Florence.	Stell.
Foster.	Stevens.
Frnka.	Storey.
Graves.	Stout.
Hagaman.	Strong.
Hall.	Taylor.
Harman.	Teer.
Harper.	Thompson.
High.	Tomme.
Hollowell.	Wallace.
Hoskins.	Webb.
Hull.	Wells.
Jacks.	Westbrook.
Jasper.	Wester.
Johnson.	Young.

Nays—2.

Gray.

Smyth.

Present—Not Voting.

Woodruff.

Absent.

Amsler.	Lipscomb.
Atkinson.	Low.
Blount.	Mankin.
Bobbitt.	McFarlane.
Cummings.	Pool.
Daniels.	Powell.
Dinkle.	Smith of Nueces.
Durham.	Smith of Travis.
Finlay.	Veatch.
Houston.	Wade.
Kayton.	Walker.
Kittrell.	Williamson.
Laird.	Wilson.

Absent—Excused.

Bartlett.	King.
Bonham.	Lane of Harrison.
Cade.	Montgomery.
Chitwood.	Petsch.
Irwin.	Purl.
Jones.	Rowell.
Kenyon.	Stevenson.

The Speaker then laid House bill No. 217 before the House on its third reading and final passage.

The bill was read third time and was passed.

HOUSE BILL NO. 237 ON SECOND  
READING.

On motion of Mr. Masterson, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 237, A bill to be entitled "An Act to release for twenty-five years from the payment of taxes levied for State purposes in certain portions of Brazoria county, provided that the residents of such portion of Brazoria county shall, on or before the 1st day of October, 1927, vote an issue of bonds in an organized navigation district under the present or future laws of the State of Texas in the sum of not exceeding one million dollars (\$1,000,000) for the purpose of making a new channel or outlet for the flood water and silt of the Brazos river, and providing that if the amount of such taxes shall be sufficient to retire before the expiration of twenty-five years, balance shall revert to the State, and defining the duties of tax assessor and tax collector of Brazoria county with reference to their duties

under this act, and defining this act, and exempting the city of Freeport and Road District No. 23 of Brazoria county from the provisions of this act, and to leave in full force and effect the law passed by the Third Called Session of the Thirty-sixth Legislature, being Chapter 25, pages 17, 1920, general laws of the State, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Masterson moved that further consideration of the bill be postponed until 10:30 o'clock a. m. tomorrow.

The motion to postpone was lost.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 237 then failed to pass to engrossment by the following vote:

#### Yeas—30.

Acker.	Masterson.
Barron.	McNatt.
Bateman.	Renfro.
Donnell.	Rice.
Dunlap.	Robinson.
Dunn of Hopkins.	Shearer.
Faulk.	Sheats.
Finlay.	Sinks.
Florence.	Smith of Nueces.
Hagaman.	Smith of Travis.
Hall.	Smyth.
Jacks.	Stautzenberger.
Jasper.	Strong.
Kittrell.	Webb.
Low.	Wells.

#### Nays—70.

Albritton.	Gray.
Alexander	Harper.
of Bastrop.	High.
Avis.	Hollowell.
Barker.	Hoskins.
Bean.	Hull.
Bedford.	Justice.
Boggs.	Kemble.
Brown.	Laird.
Bryant.	Lane of Hamilton.
Carter.	Mankin.
Coffey.	Maxwell.
Conway.	McBride.
Coody.	McDonald.
Covey.	McDougald.
Cox of Lamar.	McFarlane.
Cox of Navarro.	McGill.
Dale.	McKean.
Davis of Dallas.	Merritt.
Davis of Wood.	Moore.
DeBerry.	Nicholson.
Downs.	Parish.
Enderby.	Pavlica.
Farrar.	Pearce.
Fields.	Perdue.
Foster.	Poage.
Graves.	Pool.

Powell.	Stout.
Rawlins.	Taylor.
Raymer.	Thompson.
Rogers.	Tomme.
Rowland.	Veatch.
Simmons.	Wade.
Simpson.	Westbrook.
Sparks.	Wester.
Stell.	Young.
Stevens.	

Present—Not Voting.

Baker of Orange.	Walker.
Bird.	Woodruff.

Absent.

Alexander	Johnson.
of Limestone.	Jordan.
Amsler.	Kayton.
Atkinson.	Kinnear.
Baker of Panola.	Lipscomb.
Blount.	Loftin.
Bobbitt.	Pope.
Cummings.	Runge.
Daniels.	Sanford.
Dinkle.	Storey.
Dunn of Falls.	Teer.
Durham.	Wallace.
Frnka.	Williamson.
Harman.	Wilson.
Houston.	

Absent—Excused.

Bartlett.	King.
Bonham.	Lane of Harrison.
Cade.	Montgomery.
Chitwood.	Petsch.
Dielmann.	Purl.
Irwin.	Rowell.
Jones.	Stevenson.
Kenyon.	

Mr. McFarlane moved to reconsider the vote by which the bill failed to pass to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

#### INVITING MEMBERS TO VISIT LAREDO.

Hon. R. L. Bobbitt, being presented by Speaker Satterwhite, extended to the members of the House an invitation to visit the city of Laredo on the occasion of the celebration of Washington's birthday, on February 22.

#### HOUSE BILL NO. 138 ON SECOND READING.

On motion of Mr. Moore, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 138, A bill to be entitled



"An Act placing all motor vehicles operating for hire over the highways of this State under the jurisdiction of the Railroad Commission; defining motor vehicles, motor carriers, public highways, Railroad Commission, Highway Commission, and declaring all motor carriers to be common carriers subject to the regulations of this State of Texas; requiring those carriers to obtain from the Railroad Commission a certificate of public convenience and necessity before operating any motor vehicle over the highways of this State as a common carrier, and requiring such motor carriers to obtain a certificate of public convenience and necessity from the local authorities before operating any motor vehicle as a common carrier over the streets, alleys and public thoroughfares of any incorporated city or town in this State; providing that all charges made by motor carriers shall be in accordance with tariffs filed with and approved by the Railroad Commission, and prohibiting and declaring unlawful all charges not in accordance with such tariffs; and vesting in the Railroad Commission the power and authority, upon application, after hearing, to issue or refuse to issue such certificates, and requiring that in considering such application and in granting such certificates said commission shall give proper consideration to the general highway laws of this State, and the recommendations of the Highway Commission of this State, and the recommendations of the commissioners court of any county or counties as well as of local authorities of any city or town through which such motor carrier shall operate; providing that no certificate shall be issued except upon application, and prescribing the form of such application and the facts that it shall set forth, and providing for time and place of hearing upon the filing of application for certificate, and for notice; providing the manner in which said hearing shall be conducted, for appearances, and that after such hearing for the issuance of a certificate in whole or in part upon such terms and conditions as the commission may prescribe; providing that after the issuance of a certificate the Railroad Commission shall promulgate safety rules and regulations and prescribe certain rules which shall be promulgated," etc.

The Speaker laid the bill before the House and it was read second time.

Mr. Teer offered the following amendment to the bill:

Amend Section 1, subdivision (c), by striking out the words "which has been

officially designated as a State highway," at the end of subdivision (c).

Also amend Section 3, by striking out all after the word "operation" in line 6, down to and including the word "prescribed," in line 5, from end of Section 3, and insert in lieu thereof the following: "provided, however, that nothing in this act or any provision thereof shall be construed or held to in any manner affect, limit or deprive cities and towns from exercising any of the powers granted them by Chapter 147, pages 307 to 318, inclusive, of the General Laws of the State of Texas, passed by the Thirty-third Legislature, or any amendment thereto."

Also amend the bill by striking out Section 4, and renumbering the following sections accordingly.

Also amend Section 10, line 3, by striking out all after the word "therein," in line 3, down to and including the word "designate" in line 5.

Also amend Section 10, subdivision (d), by striking out the words "project more than six inches beyond the running board of said motor vehicles or."

Also strike out subdivisions (e), (f) and (g), and renumber subdivision (h) as (e), in Section 10.

Amend Section 17 by striking out the word "now" in line 3 from the end of Section 17; and also by inserting the word "State" between the words "by" and "law" in line 3 from end of Section 17.

Also amend the caption of the bill to correspond with the above amendments when adopted.

Amend (committee) amendment on House bill No. 138, Section 10, subdivision (d), by striking out "or measure more than eight feet," and insert "or measure more than 90 inches wide over all."

The amendment was adopted.

Mr. Teer offered the following amendment to the bill:

Amend House bill No. 138, Section 11, by inserting between the words "carrier" and "shall," in line 2, the following words: "transporting passengers for hire," and by striking out the words "liability insurance" in line 5, and the word "liability" in line 10, and at the end of said Section 11 add the following: "no motor carrier carrying property for hire shall be authorized to use the highways of this State in the operation of a motor vehicle as a common carrier for hire without carrying liability insurance policies for each

vehicle operated, in such reasonable amount as the Railroad Commission may require."

The amendment was adopted.

Mr. McFarlane offered the following amendment to the bill:

Amend House bill No. 138 by striking out Section 3.

Mr. Rice offered the following amendment to the bill:

Amend House bill No. 138 by striking out the enacting clause.

Mr. McDougald moved the previous question on the pending amendments and the main question was ordered.

Question then recurring on the amendment by Mr. Rice, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—72.

Albritton.	Jordan.
Alexander	Justice.
of Bastrop.	Kinnear.
Alexander	Laird.
of Limestone.	Lane of Hamilton.
Avis.	Loftin.
Baker of Orange.	Mankin.
Barker.	McBride.
Bateman.	McDonald.
Bean.	McFarlane.
Bedford.	McGill.
Bird.	Merritt.
Boggs.	Parish.
Brown.	Pavlica.
Bryant.	Pearce.
Carter.	Perdue.
Coffey.	Pool.
Coody.	Pope.
Covey.	Raymer.
Daniels.	Rice.
Davis of Wood.	Robinson.
Donnell.	Rogers.
Downs.	Simmons.
Dunlap.	Sinks.
Dunn of Hopkins.	Smith of Nueces.
Enderby.	Sparks.
Farrar.	Stautzenberger.
Graves.	Stevenson.
Hagaman.	Stout.
Hall.	Strong.
Harman.	Thompson.
Harper.	Tomme.
High.	Veatch.
Hollowell.	Walker.
Hoskins.	Wallace.
Hull.	Webb.
Jacks.	Young.

Nays—42.

Acker.	Barron.
Amsler.	Bobbitt.
Baker of Panola.	Conway.

Cox of Lamar.	McNatt.
Cummings.	Moore.
Dale.	Nicholson.
Davis of Dallas.	Poage.
DeBerry.	Powell.
Dielmann.	Runge.
Dinkle.	Shearer.
Faulk.	Sheats.
Fields.	Simpson.
Finlay.	Smith of Travis.
Florence.	Stevens.
Foster.	Taylor.
Gray.	Teer.
Jasper.	Wade.
Kemble.	Wells.
Kittrell.	Westbrook.
Low.	Wester.
McKean.	Woodruff.

Absent.

Atkinson.	Maxwell.
Blount.	McDougald.
Cox of Navarro.	Rawlins.
Dunn of Falls.	Renfro.
Durham.	Rowland.
Frnka.	Sanford.
Houston.	Smyth.
Johnson.	Stell.
Kayton.	Storey.
Lipscomb.	Williamson.
Masterson.	Wilson.

Absent—Excused.

Bartlett.	King.
Bonham.	Lane of Harrison.
Cade.	Montgomery.
Chitwood.	Petsch.
Irwin.	Purl.
Jones.	Rowell.
Kenyon.	

Mr. Jacks moved to reconsider the vote by which the amendment by Mr. Rice striking out the enacting clause of the bill was adopted and to table the motion to reconsider.

The motion to table prevailed.

#### HOUSE BILL NO. 295 ON SECOND READING.

On motion of Mr. Florence, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 295, A bill to be entitled "An Act to amend Sections 5, 11 and 13, of Chapter 51, Acts of the Thirty-seventh Legislature, First Called Session, and adding thereto new Sections 13a, 13b, 13c, 13d, 13e, 13f, 13g, 13h, 13i, 13j, 13k, 13l, 13m and 13n, as follows: by amending Section 5, prescribing the qualifications, powers and duties of the Texas State Board of Examiners

in Optometry; by amending Section 11, to provide for applications for licenses, prescribing qualifications of applicants for licenses, registration and examination of applicants, issuance, recording and registration of licenses and certificates, and fees therefor; providing minimum and maximum standards of education for applicants, and empowering board to regulate this standard; providing for the issuance of licenses by reciprocity with other States and fees therefor; by amending Section 13, providing for the revocation of licenses for cause, and the manner in which said licenses may be revoked by the board, giving right of appeal from decision of board to the district court of Travis county," etc.

The Speaker laid the bill before the House and it was read second time.

Mr. Shearer offered the following (committee) amendment to the bill:

Amend House bill No. 295 by striking out all below the enacting clause and insert in lieu thereof the following:

Section 1. That the following new sections, Nos. 13a, 13b, 13c, 13d, 13f, 13g and 13h, be added to Chapter 51, Acts of the Thirty-seventh Legislature, First Called Session, to read as follows:

Section 13a. On or before January 1, 1926, and on or before January 1 of each year thereafter, every licensed optometrist in this State shall pay to the Secretary-Treasurer of the Texas State Board of Examiners in Optometry, an annual renewal fee of \$5 for the renewal of his or her license to practice optometry for the current year, and providing that practicing optometry without an annual renewal certificate for the current year, as provided, shall be subject to all of the penalties prescribed by this act for practicing optometry without a license.

When an optometrist shall have failed to pay his annual renewal fee and said annual renewal fee has been due and unpaid for a period of one year, it shall be the duty of the board to notify such optometrist or optometrists by notifying him or them by notice sent by registered mail, and the return receipt to be the only valid evidence that said notice has been delivered and that he or they have been notified that said annual renewal fee is due and unpaid. And that thirty days after date of receipt of such notice it shall be the duty of the board, under this act, to declare the license void for non-payment of annual renewal fee. After a license has been declared void by the board for non-payment of annual renewal fee, it shall be the duty of the

county clerk of the county in which such license may have been registered, upon receipt of notice from said board to enter upon the optometry register of such county the fact that such license is void for non-payment of annual renewal fee and to notify the board in writing that such entry has been made. After the board has declared a license void, as provided for in this section, the board may thereafter, at its discretion, refuse to issue a new license until such optometrist, whose license has been declared void for non-payment of annual renewal fee, has passed the regular examination for license as provided for by this act.

Section 13b. On the receipt of said annual renewal fee by the Texas State Board of Examiners in Optometry, it shall issue an annual renewal certificate, bearing the number of the license, the year for which renewed and other information from the records of the board that the said board may deem necessary to the proper enforcement of this act.

Section 13c. For the purpose of this act, the words "ascertaining and measuring the powers of vision of the human eye," as employed in Section 1 of Chapter 51, Acts of the Thirty-seventh Legislature, First Called Session, shall be construed to include:

1. The examination of the eye to ascertain the presence of defects or abnormal conditions which may be corrected, remedied, or relieved, or the effects of which may be corrected, remedied or relieved by the use of lenses or prisms, or

2. The employment of any objective or subjective means to determine the accommodative or refractive condition, or the range or powers of vision or muscular equilibrium of the human eye, or

3. The employment of any objective or subjective means for the examination of the human eye for the purpose of ascertaining any departure from the normal, measuring its power of vision or adapting lenses or prisms for the aid or relief thereof, and it shall be construed as a violation of this act, for any person not a licensed optometrist or a licensed physician to do any one act or thing, or any combination of acts or things, named or described in this section; provided that nothing herein shall be construed to permit optometrists to treat the eye for any defect whatsoever in any manner, nor to administer any drug physical treatment whatsoever, unless said optometrist is a duly licensed physician and surgeon, under the laws of this State.

Section 13d. For the purpose of this act the words "and fitting lenses or

prisms," as employed in Section 1 of Chapter 51, Acts of the Thirty-seventh Legislature, First Called Session, shall be construed to include:

1. Prescribing or supplying, directly or indirectly, lenses or prisms, by the employment of objectives or subjective means or the making of any measurements whatsoever involving the eyes or the optical requirements thereof;

2. The adaptation or supplying of lenses or prisms to correct, relieve or remedy any defect or abnormal conditions of the human eye or to correct, relieve or remedy or attempt to correct, relieve or remedy the effect of any defect or abnormal condition of the human eye.

3. It shall be construed as a violation of this act, for any person not a licensed optometrist to do any one thing or act, or any combination of things or acts, named or described in this section.

Section 13e. For the purposes of this act the words "persons who sell spectacles and eyeglasses as merchandise," as employed in Section Sixteen (16) of Chapter 51, Acts of the Thirty-seventh Legislature, First Called Session, shall be construed to mean merchants who do not practice optometry, or offer to practice optometry, but who sell spectacles or eyeglasses as merchandise, after they have been selected by their customers alone without the aid from the merchant, either in person or indirectly, or by the provision of any mechanical or eye-testing machine or self-testing eye-machine, either for purposes of exhibition or use, or offering to provide or providing any self-testing system or methods, or other means, either for purposes of exhibition or use, other than the particular and complete ready-to-wear spectacles or eyeglasses selected by the customer in person from trays or other containers containing such merchandise, and any other method of sale or delivery shall be construed as practicing optometry.

Section 13f. In the interest of public health, welfare, safety and comfort, after the passage of this act, it shall be unlawful, and a violation hereof to

1. Sign, or cause to be signed, a prescription for an ophthalmic lens without first making a personal examination of the eyes of the person prescribed for, or

2. For any person licensed under this act to practice optometry when he, or she, is knowingly suffering from a contagious or infectious disease.

Section 13g. Nothing in this act shall be so construed as to prevent an optical mechanic from doing the merely me-

chanical work of manufacturing ophthalmic lenses or to prevent the sale of such ophthalmic lenses to those who are licensed and legally qualified to prescribe them, nor to prevent such optical mechanic, who does not practice optometry, from following the specific directions of a competently and legally signed prescription where he does no more than manufacture the spectacles or eyeglasses or component parts thereof, called for by such prescription. Nor shall this act be so construed as to prevent selling ready-to-wear spectacles or eyeglasses as merchandise at wholesale to merchants for purposes of resale as merchandise, as provided for in this act where neither the wholesaler nor merchant to whom he sells practices optometry.

Section 13h. It shall be unlawful for any person in this State to give, or cause to be given, deliver, or cause to be delivered, in any manner whatsoever any spectacles or eyeglasses, separate or together as a prize or premium, or as an inducement to sell any book, paper, magazine or any work of literature or art, or any item of merchandise whatsoever.

Amend Section 16 of Chapter 51 of the General Laws of the First Called Session of the Thirty-seventh Legislature by making it read as follows:

Section 16. Nothing in this act shall be construed to apply to persons who sell spectacles and eyeglasses as merchandise; officers or agents of the United States or the State of Texas in the discharge of their official duties.

Mr. Shearer offered the following amendment to the amendment:

Amend committee substitute for House bill No. 295, page 16, line 3, by striking out the following: "13f, 13g and 13h" and inserting in lieu thereof the following: "13e, 13f, 13g, 13h and 13i."

Page 18, line 3, by inserting after the word "optometrist" the following: "or a licensed physician."

Page 18, line 9, by inserting after the comma after the word "session" the following: "as amended by this act."

Page 18, line 35, by correcting the spelling of the word "ophthalmic" to read "ophthalmic."

Page 18, line 39, by inserting after the word "manufacture" the words "or dispense."

Page 19, lines 12 to 18, by striking out everything beginning with the word "amend" to and including the word "duties" and inserting in lieu thereof the following: "Section 13i. All laws or parts of laws in conflict with the

provisions of this act be and the same are hereby repealed."

Section 2. That Section Sixteen (16), Chapter Fifty-one (51), Acts of the Thirty-seventh Legislature, First Called Session, be amended so as to hereafter read as follows:

"Section 16. Nothing in this act shall be construed to apply to persons who sell spectacles and eye-glasses as merchandise; officers or agents of the United States or the State of Texas, in the discharge of their official duties; or to prevent physicians and surgeons, duly licensed as such under the laws of the State of Texas regulating the practice of medicine, from treating the human eye or prescribing lenses or glasses or fitting lenses or glasses for the aid thereof."

Mr. Jacks called for a division of the question.

The several divisions were severally adopted.

The amendment as amended was then adopted.

Mr. Shearer offered the following (committee) amendment to the bill:

Amend by striking out all above the enacting clause and insert in lieu thereof the following: A bill to be entitled "An Act regulating the practice of optometry by adding new sections to be numbered 13a, 13b, 13c, 13d, 13e, 13f, 13g and 13h, to Chapter 51, Acts of the Thirty-seventh Legislature, First Called Session; Section 13a, providing for an annual renewal fee and the price charges therefor and declaring a license void for non-payment thereof; Section 13b, prescribing duties of board as to issuance of annual renewal certificates; Section 13c, defining and construing the words 'ascertaining and measuring the powers of vision of the human eye,' as used in Section One (1), Chapter Fifty-one (51), Acts of the Thirty-seventh Legislature, First Called Session; Section 13d, defining and construing the words 'and fitting lenses or prisms' as used in Section One (1), Chapter 51, Acts of the Thirty-seventh Legislature, First Called Session; defining and construing the words 'persons who sell spectacles and eye-glasses as merchandise,' as used in Section Sixteen (16), Chapter 51, Acts of the Thirty-seventh Legislature, First Called Session; Section 13e, defining and construing the words 'and those who fit glasses for their customers,' as used in Section 16, Chapter 51, Acts of the Thirty-seventh Legislature, First Called Session; Section 13f, providing that signing, or causing a prescription to be signed, for an ophthalmic lens without personal examina-

tion of eyes; prescribing for or practicing optometry under this act when knowingly suffering from a contagious or infectious disease to be against interests of public health, welfare, safety, and comfort and a violation of this act; Section 13g, permitting optical mechanics to do mechanical work of manufacturing ophthalmic lenses, providing for sale of ophthalmic lenses, providing for sale of ready-to-wear spectacles or eye-glasses at wholesale as merchandise to merchants for resale as provided; Section 13h, providing that it shall be unlawful for any person in State to give spectacles and eye-glasses as a prize or premium or inducement to promote sale of certain things named."

Mr. Shearer offered the following amendment to the amendment:

Amend caption of committee substitute House bill 295, page 15, lines 8 and 9, by striking out the following: "13g and 13h" and inserting in lieu thereof the following: "13g, 13h and 13i." Page 15, line 10, by inserting the comma after the word "session" the following: "and amending Section 16, Chapter 51, Acts of the Thirty-seventh Legislature, First Called Session." Page 15, line 18, by striking out the word "of" after the word "lenses" and inserting the word "or" in lieu thereof. Page 15, line 20, by inserting after the semicolon after the word "session" the following: "Section 13e." Page 15, lines 22 and 23, by striking out the following: "Section 16, Chapter 51, Acts of the Thirty-seventh Legislature, First Called Session," and inserting in lieu thereof the following: "this act." Page 15, lines 23 to 26, by striking out everything after the semicolon after the word "session" on line 23 to and including the semicolon after the word "session" on line 26. Page 15, line 40, by striking out the period after the word "named," inserting a semicolon in lieu thereof and inserting after the semicolon the following: "Section 13i, repealing laws in conflict, Section 16, providing that nothing in this act shall be construed to apply to persons who sell spectacles and eyeglasses as merchandise; officers or agents of the United States or the State of Texas in the discharge of their official duties, or to prevent duly licensed physicians and surgeons from treatment the human eye or prescribing or fitting lenses or glasses for the aid thereof."

The amendment to the amendment was adopted.

The (committee) amendment as amended was then adopted.

House bill No. 295 was then passed to engrossment.

# MOTION TO TAKE UP HOUSE BILL NO. 295.

Mr. Merritt moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 295 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

## Yeas—76.

Acker.	Loftin.
Amsler.	Low.
Baker of Orange.	Mankin.
Baker of Panola.	Maxwell.
Barron.	McBride.
Bateman.	McDonald.
Bean.	McNatt.
Bobbitt.	Merritt.
Boggs.	Moore.
Coffey.	Nicholson.
Coody.	Parish.
Cox of Lamar.	Pearce.
Dale.	Pope.
Daniels.	Powell.
Davis of Dallas.	Rawlins.
Dielmann.	Raymer.
Dinkle.	Rogers.
Dunn of Falls.	Runge.
Dunn of Hopkins.	Sanford.
Enderby.	Shearer.
Fields.	Sheats.
Florence.	Simmons.
Foster.	Simpson.
Frnka.	Sinks.
Graves.	Smith of Nueces.
Hagaman.	Smith of Travis.
Hall.	Sparks.
Harper.	Stautzenberger.
High.	Stell.
Hollowell.	Stevenson.
Hoskins.	Storey.
Jacks.	Strong.
Johnson.	Taylor.
Jordan.	Veatch.
Justice.	Webb.
Kemble.	Wells.
Kinnear.	Westbrook.
Lane of Hamilton.	Wester.

## Nays—26.

Albritton.	Donnell.
Barker.	Downs.
Bedford.	Finlay.
Bird.	Gray.
Conway.	Hull.
Davis of Wood.	Jasper.
DeBerry.	Laird.

Lipscomb.	Rowland.
McFarlane.	Smyth.
McGill.	Stout.
Pavlica.	Thompson.
Renfro.	Walker.
Rice.	Young.
Robinson.	

Present—Not Voting.

Avis.	Bryant.
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Absent.

Alexander of Bastrop.	Kayton.
Alexander of Limestone.	Kittrell.
Atkinson.	Masterson.
Blount.	McDougald.
Brown.	McKean.
Carter.	Perdue.
Covey.	Poage.
Cox of Navarro.	Pool.
Cummings.	Stevens.
Dunlap.	Teer.
Durham.	Tomme.
Farrar.	Wade.
Faulk.	Wallace.
Harman.	Williamson.
Houston.	Wilson.
	Woodruff.

Absent—Excused.

Bartlett.	King.
Bonham.	Lane of Harrison.
Cade.	Montgomery.
Chitwood.	Petsch.
Irwin.	Purl.
Jones.	Rowell.
Kenyon.	

## SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate bill No. 180, to the Judiciary Committee.

Senate bill No. 210, to the Committee on Municipal and Private Corporations.

Senate bill No. 212, to the Committee on Criminal Jurisprudence.

Senate bill No. 161, to the Judiciary Committee.

Senate bill No. 174, to the Committee on Criminal Jurisprudence.

Senate bill No. 131, to the Judiciary Committee.

Senate bill No. 104, to the Committee on Municipal and Private Corporations.

Senate bill No. 81, to the Committee on Public Lands and Buildings.

Senate bill No. 190, to the Committee on Game and Fisheries.

## NOTICE GIVEN.

Mr. Wells gave notice that he would on tomorrow ask to be taken up for consideration at that time House bill No. 6, which bill had heretofore been laid on the table subject to call.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, February 16, 1925.  
Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has agreed to concur with the House in the appointment of a Free Conference Committee to adjust the differences on House bill No. 382.

The following are appointed as conferees on the part of the Senate:

Senators Davis, Wood, Strong, Reid and Parnell.

Respectfully,  
MORRIS C. HANKINS,  
Assistant Secretary of the Senate.

## RECESS.

Mr. Wallace moved that the House adjourn until 9 o'clock a. m. tomorrow.

Mr. Farrar moved that the House recess to 10 o'clock a. m. tomorrow.

The motion of Mr. Farrar prevailed, and the House, accordingly, at 5:20 o'clock p. m., took recess to 10 o'clock a. m. tomorrow.

## APPENDIX.

## STANDING COMMITTEE REPORTS.

The following standing committees filed favorable reports today on bills as follows:

Judiciary—House bills Nos. 418, 426, 264; Senate bill No. 117.

Education—House bill No. 378.

School Districts—House bill No. 414.

Municipal and Private Corporations—House bill No. 15.

State Affairs—Senate bill No. 16.

Penitentiaries—House bill No. 303.

Constitutional Amendments—House joint resolution No. 20.

Appropriations—Senate bill No. 5.

The following standing committees filed adverse reports today on bills as follows:

Revenue and Taxation—House bills Nos. 365, 343, 370.

Education—House bill No. 322.

State Affairs—House bill No. 398.

Constitutional Amendments—House joint resolution No. 17.

## REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,  
Austin, Texas, February 13, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 249, A bill to be entitled "An Act providing for the care, restraint, diagnosis and treatment of persons who are insane, mentally ill or mentally defective; providing for regulating and providing for operation of public institutions and hospitals for such persons; providing for the necessary officers, agents, agencies and employes for such purpose and to administer and enforce the laws relative to such persons; providing for sustenance and maintenance of such persons; providing for education and research relating to such persons; providing psychopathic research and hospitals; providing for the adjudication of insanity or mental sickness or defect, the commitment and restraint of persons so afflicted; licensing and regulating private persons, hospitals and institutions caring for or treating insane or mentally defective or ill persons; prescribing rules and regulations and defining offenses in connection with the care and treatment of such persons; providing the necessary funds and fixing necessary salaries to carry out the purpose of this act, repealing provisions of the Revised Civil Statutes and all other laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.  
COVEY, Vice-Chairman.

Committee Room,  
Austin, Texas, February 14, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 364, A bill to be entitled "An Act to change the territory included in the Batson Independent School District in Hardin county, and for other purposes,"

And find the same correctly engrossed.  
COVEY, Vice-Chairman.

Committee Room,  
Austin, Texas, February 16, 1925.

Hon. Lee Satterwhite, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills have carefully examined and com-  
pared

H. B. No. 210, A bill to be entitled  
"An Act to increase the civil jurisdic-  
tion of the county court of Cochran  
county, and declaring an emergency,"

And find the same correctly engrossed.

COVEY, Vice-Chairman.

Committee Room,  
Austin, Texas, February 16, 1925.

Hon. Lee Satterwhite, Speaker of the  
House of Representatives.

Sir: Your Committee on Engrossed  
Bills have carefully examined and com-  
pared

H. B. No. 271, A bill to be entitled  
"An Act creating a more efficient road  
system for Bastrop county, Texas; pro-  
viding for the establishment of office  
of superintendent of public roads and  
bridges in said county; providing the  
manner of appointing such superintend-  
ent; prescribing his qualifications, term  
of office, salary and powers and duties  
with reference to the public roads and  
bridges, making the members of the  
commissioners court, in their respective  
precincts, and fixing their salary; pre-  
scribing the powers and duties of the  
commissioners court with reference to  
roads of overseers and persons liable  
to road duty in said county, and fixing  
the county judge's and commissioners'  
salary for serving as members of the  
commissioners court; providing for  
working county convicts on the public  
roads and bridges, and giving the com-  
missioners court power to make rules  
and regulations therefor; and providing  
for the working of delinquent poll tax  
payers on the roads and bridges of said  
county; prescribing the manner in  
which the commissioners court may con-  
demn land and material of whatsoever  
kind for road and bridge purposes; and  
providing that said court may accept  
donations of land, money, labor, teams,  
tools and all kinds of necessary prop-  
erty and material for road and bridge  
purposes; providing for the recovery of  
damages from any person who knowingly  
and wilfully destroys, injures, or mis-  
places any bridge, culvert, drain, sew-  
er, ditch, signboard, mile post, or tile  
or anything of like character placed  
on any road for the benefit of same;  
giving the commissioners court power  
to transfer any surplus fund from one

fund of the county to another and  
making certain exceptions thereto; pro-  
viding that all fines, penalties and for-  
feitures collected by reason of any mis-  
demeanor conviction shall be paid into  
the road and bridge fund of said county;  
explaining certain words and terms  
used in this law, and authorizing the  
commissioners court to refund all out-  
standing indebtedness incurred prior to  
March 1, 1925, for road and bridge  
purposes; providing that this act shall  
be cumulative of all general laws on  
the subject of roads and bridges when  
not in conflict herewith, and repealing  
all special road laws for Bastrop coun-  
ty, and declaring an emergency,"

And find the same correctly engrossed.

COVEY, Vice-Chairman.

#### REPORTS OF COMMITTEE ON EN- ROLLED BILLS.

Committee Room,  
Austin, Texas, February 15, 1925.

Hon. Lee Satterwhite, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 209, "An Act to create the  
Letts Common School District No. 10 in  
Hall county, Texas, including therein ter-  
ritory included in the present Bridle Bits  
Common School District and Wolf Flat  
Common School District in Hall county,  
Texas; providing board of trustees there-  
for; vesting said common school district  
board of trustees with all the rights  
powers, privileges and duties conferred  
upon common school districts organized  
under the general laws of Texas; pro-  
viding for a board of trustees for said  
district to serve until the time for the  
next election of school trustees in com-  
mon school districts as provided by the  
general law; authorizing the said Letts  
Common School District to hold an elec-  
tion to determine whether or not the said  
district shall assume and make provision  
for the payment of the outstanding bond-  
ed indebtedness of the territory incor-  
porated herein, and declaring an emer-  
gency,"

Have carefully compared same and find  
it correctly enrolled.

STOUT, Chairman.

Committee Room,  
Austin, Texas, February 16, 1925.

Hon. Lee Satterwhite, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 181, "An Act to amend Sec-  
tion 2, Chapter 99 of the Local and Spe-



cial Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act to change the boundaries of the Wichita Falls Independent School District in Wichita county, Texas,' and declaring an emergency." Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

Committee Room.

Austin, Texas, February 14, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 131, "An Act to create the Liberty Independent School District in Bailey county, Texas, out of territory now comprising Common School District No. 3 of Bailey county, as heretofore created by the county board of trustees thereof; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the said Liberty Independent School District shall assume and discharge any and all indebtedness constituting valid and binding obligations of said Common School District No. 3 of Bailey county; providing that title to any and all property of said common school district shall be vested in the trustees of independent school district hereby created; validating and continuing in force any and all taxes heretofore voted and now in force in such common school district; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected and qualified in accordance with the general laws of Texas, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

Committee Room.

Austin, Texas, February 14, 1925.

Hon. Lee Satterwhite, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 23, "An Act regulating the lights and lighting and operation of motor vehicles, tractors, motorcycles and bicycles in this State; prescribing the lights for such vehicles between the hours of half-hour after sunset and half-hour before sunrise; providing for tests

and approval of headlighting devices and equipment; prescribing specifications for the approval of headlighting devices; designating an official testing agency for the State of Texas; regulating the use of spot lights; providing for the establishment of county test stations; prescribing penalties for the violation of the provisions of this act, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

STOUT, Chairman.

(TWENTY-SEVENTH DAY.)

(Continued.)

(Tuesday, February 17, 1925.)

The House met at 10 o'clock a. m. and was called to order by Speaker Satterwhite.

#### NOTICE GIVEN.

Mr. Downs gave notice that he would on tomorrow ask to be taken up for consideration Senate bill No. 6.

#### HOUSE BILL NO. 253 ON SECOND READING.

On motion of Mr. Pope, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 253, A bill to be entitled "An Act amending Chapter 51, Acts of the Regular Session of the Thirty-eighth Legislature, regulating publications in newspapers inserted by public officers, agents and agencies; prescribing the rate of charge thereof; fixing the price to be charged for political advertising; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

#### HOUSE BILL NO. 256 ON SECOND READING.

On motion of Mr. Baker of Panola, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 256, A bill to be entitled "An Act to amend Article 5118, Title 75, Revised Civil Statutes of Texas, 1911, prescribing who are liable for jury service and who are exempt from jury service."